

# **SAFETY AND HEALTH MANAGEMENT IN SME'S.**

**Subtitle:**

**BEST EU PRACTICES REGARDING SAFETY AND HEALTH MANAGEMENT IN  
SMALL AND MEDIUM ENTERPRISES(SME'S)**

**HOW CAN LABOUR INSPECTION SUPPORT LABOUR PREVENTION.**

**PHARE PROGRAMME TO POLISH STATE  
LABOUR INSPECTION.**

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PREFACE**

## **The worker protection programme.**

The specific objective for the Worker Protection Programme is to strengthen the ability of the Polish National Labour Inspection(PIP) and enable it to fullfill its mandate more effectively. Furthermore the objective is to reinforce PIP`s efforts to promote a preventive approach to occupational safety and health at the enterprise level. The current state of compliance with existing legislation is considered unsatisfactory, not in the least because of:

- The restructuring and privatization of the economy.
- A dramatic growth in the number of small and medium-sized enterprises(SME`s) which has contributed to increased infringements.
- Workers who often accept these infringements and forego their rights for fear of unemployment.

The changing structure of the economy has increased the Inspectorates´ tasks: the number of enterprises to monitor has increased from 446.000 in 1989 to 1.106.000 in 1993. To support development of the National Labour Inspectorate several feasibility and policy studies have been started through the PHARE programme with financial contribution from the European Union.

This study is part of this programme. It is a collection of the best EU practices and describes various models for dealing with safety and health management in small and medium-sized enterprises(SME`s). It is the hope of WES-Consult that this report will be of help in raising the level of workers` safety and health in Poland. As a labour inspector I have tried to convey both problems as well as the immense possibilities that lie in a multifaceted approach to labour prevention. Such an approach builds on both experience and science and adapts labour inspection to the needs of workers of today, not of yesterday.

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## INTRODUCTION

This report is a review of existing systems of worker protection in the EU countries in regard to safety and health management in SME`s. Some recommendations on best EU practices are presented. The main objective is to prepare the ground for future action and a higher level of prevention with the labour inspection playing a central role. The SME-problem is not country-specific. In the EU countries the problem of SME`s and compliance with safety and health legislation is a continuing issue.

### A. Purpose of this study

The purpose is to make

- A comparison of best EU practice in the introduction and management of systems aimed at improving the conditions of health and safety protection in SME`s including legal requirements and economic incentives, and
- A comparison of advisory, consultancy and training assistance provided for SME`s by labour inspectorates in the EU countries.
- A model(s) based on best EU practice to allow a systematic approach to labour protection in the SME`s, so PIP can provide advice and information to employers and employees based on that approach.

### B. Method.

The study has been made by collecting relevant comparative material from the EU countries. There has been close cooperation with The Danish Work Environment Office in Bruxelles.

And research on the status of the existing systems of worker protection in the EU countries, has been done by using the following methods:

- Contact to our partners in the EUROSH\*NET (European Occupational Safety and Health Network). We have used both personal contacts and a formal questionnaire to obtain the relevant information. See Annex I.
- Collecting and evaluating relevant comparative EU material through research institutions and libraries.

Besides the study has collected information on the Polish situation, here especially about the occupational health situation, the powers of the inspectorate and the training of the inspectors.

### **C. The specific Polish situation.**

The Polish situation is characterized by the Polish Labour Inspection as alarming. There has been a dramatic rise in numbers of new businesses and with a low level of responsibility on safety and health, occupational accidents and diseases are increasing dramatically. ILO has produced a report (in Polish and French languages) based on a tripartite mission to Poland in 1991 and published in 1993(1). The mission analysed the changed economic and political situation in relation to occupational health prevention and the role of labour inspection. Of special importance for this study on safety management systems and SME's the report mentions that:

- It is difficult to establish a dialogue with the social partners as these are weakly organized in the new economy of Poland. The employers organizations are weak in their representation and coverage and the two greatest national unions are rivalising.
- Many new Polish enterprises have little capital at their disposal and are in a fragile economic situation. They comparatively show little respect for labour regulations and occupational health. This is not only due to their economic difficulties, but also because the new employers lack information, training and ignore the obligations in the labour legislation: "The new managers are good business people, but bad employers".
- The labour inspectors report on frequent conflicts between employers and employees, resistant attitudes from managers to inspection and their needs of more effective work methods adapted to the new situation.
- The occupational health problems and social relations will show wide differences between establishments created by Polish investors (banks, insurance, shareholder companies), western companies introducing their technology and social relations, individual Polish investors and individual foreign investors.
- If the last two categories are dominating, the labour inspection must play an active interventionist role with both advice and control.

The ILO report recommends that a whole range of measures must be adopted:

- Adaptation of legislation.
- Development of tripartism.
- Development of advice and information.
- Adaptation of a strategy of enforcement.
- Education of inspectors and enterprises.

The ILO recommends that the Polish Labour Inspection uses a "global planning program". Inspectors are criticized for having separated control from prevention and the districts are criticized for administering this separation. The inspection will be more effective, if it not only relies on control, but also uses supplementary forms of action like:

- Studies and investigations.
- Information and advice.
- Use of the media.
- Cooperation with other professionals.

The shortcomings of the Polish situation and suggestions to remedy the situation has also been presented at the IALI 8. Congress in Geneva(2). In a paper by Josef Boguszewski the role of the labor inspector in the small businesses sector is presented as the single most important factor in changing the affairs. The employers low degree of responsibility or outright indifference to the law, is putting great stress on the inspection. Problems mentioned by Boguszewski are:

- Outdated and inconsistent labour health and safety(LHS) regulations.
- Lack of positive economic stimuli that generates interest in improving LHS.
- Lack of a separate system of insurance for on the job accidents and occupational diseases.
- Lack of interest in LHS issues among trade unions and employer organizations
- Situation on the job market.
- Lack of an efficient system of technical and legal consulting.
- Inefficient system of LHS education.
- Lack of regulations requiring persons who are seeking to become employers to obtain professional LHS certifications.
- Inspections and audits of job conditions that are administrative and repressive in nature.
- Low level of safety culture within organizations.
- Employee representation within small companies disappearing.
- Economic necessity to work under any conditions and at any cost, caused by the appearance of unemployment.
- Employer, manager attitude-lack of model behavior, managers do not serve as examples who demonstrate good safety habits.

The limited resources in inspection and the socio-economic situation does not make inspection an effective approach, if it stands alone. The limited coverage of the inspection programs is a central problem and the rising social costs of occupational accidents and diseases has put this high on the political agenda. A favourable climate for changing this situation has emerged in the countrys democratic bodies.

The main interest of the polish labour inspection is to develop models of labour

health and safety management for various types of enterprises.

As suggestions are mentioned:

- The launching of a continuous campaign addressed to employers/ managers of small business to support a culture of safety.
- Teaching the SME's to formulate LHS policies and make qualitative assessment of risks.
- The Labour Inspection must deliver easy, simple, easy to apply methods of analyzing and estimating risk.
- The work should be appropriately supported by the national institutes in occupational health.

Poland has since 1919 been a member of ILO and in 1991 Poland had ratified 74 of the International Labour Conventions with Poland ranking high together with other industrialized countries in Europe(3). The long tradition to give due respect to workers safety and health is promising also for the future of labour protection in Poland.

## **1. SMALL AND MEDIUM-SIZED ENTERPRISES (SME's) IN EU COUNTRIES**

### **A. Definition of the problem**

We define SME's as firms employing less than 50 workers (SMALL) and between 50 and 250 workers (MEDIUM SIZED). SME's form a major proportion of EU businesses. Totally about 40 % of companies employ less than 10 people and around 60 % with less than 50(4). There is lower participation in prevention of occupational hazards, due to several causes. This can be due to lack of resources: Time and financial costs are often a problem plus lack of skilled personnel and lack of access to information. Furthermore research shows that only 44 % of EU workers are covered by access to internal or external occupational health services (5).

In the European Programme concerning safety, hygiene and health at work from 1988 (88/C 28/02) the SME's are specifically mentioned as an area of special attention. The programme says there is "a need to keep regulations down to a necessary minimum", but at the same time recognizes the special needs of SME's in respect of safety and health problems.

This contradictory statement can either lead to passiveness or action. On the positive side the Commission programme supports the study of new patterns of working on safety, hygiene and health in SME's. As examples of new working patterns in SME's are mentioned:

- Longer working hours leading to increased fatigue and a slackening of vigilance increasing the risk of accidents.
- Exposure limits, normally calculated on an eight-hour day, may have to be adjusted.

Furthermore the Commission programme was aware of the limited impact of information campaigns, advice and training in safety in regard to the SME's. Proposals were:

- To consider how health and safety regulations can be made clearer for proprietors of SME`s.
- To include advice on safety, hygiene and health at work in information manuals to be prepared for creators of SME`s.
- To prepare training modules on safety specifically for creators of SME`s, develop pilot projects integrating these modules into general training and provide for specific safety counselling.
- To develop a system for providing readily accessible information to SME`s on safety equipment and personal protective equipment.

### **High-risk sectors**

The Commission programme also focused attention to three high-risk sectors with the highest accident rate and the highest level of serious injury: Work at sea, agriculture and construction. These branches have a high degree of SME`s and the Commission have since issued several directives to raise the level of worker protection.

Besides these high-risk branches, increased attention must also be paid to the work environment of other groups of workers, such as clerical and administrative staff in the business, commerce, financial and public sectors, health care and social and public services. In these branches a high amount of the organisations are SME`s.

### **Coverage of workplaces**

Existing legislation in most member states in EU has failed to cover all workers or workplaces. Public workers, agricultural workers, family business and shops have in some countries not been covered by law and regularly inspected. But with the Framework Directive being implemented in the EU countries all workers will be included , especially bringing in public workers who have been traditionally excluded in many european countries. But there are also some categories of workers not covered by the Framework directive. Explicitly not mentioned are the self-employed and the domestic workers.

Furthermore the clause on SME`s makes it an open question to what degree the EU governments will oblige employer`s in SME`s.

### **Psychology of entrepreneurship**

The entrepreneurial role in the private SME`s can in some respects be regarded as a "way of life". Research(6,7,8) has shown that owners of small firms have visions of independence and large freedom of action. They work hard and have themselves often problems with negative stress. Conditions leading to this negative stress has been: Time pressure, high psychological strain, insecurity about personal competence, insecurity concerning employees, negative spill-over from work to family life and an undeveloped network.

Problems with health and safety are often attributed to the employees as their personal problems. Health and safety is more regarded as a means to production as a goal itself.



Often the owners of SME`s are negative to intervention from labour inspection and the occupational health services(OHS).

The research(7) documents that employers in SME`s doesn't comply with health and safety regulations. As solutions the following is mentioned:

- Employer`s time-pressure can be relieved through a higher degree of delegation to others in the company.
- As both employer`s and employees are weak in evaluating and deciding on risks to health and safety, training must be seen as the main key to progress.
- Open dialogue is a precondition for development and effective solutions.
- Systematic risk-assessment methods in SME`s must be simple, clear and credible.

By giving due regard to these special problems, projects with providing SME`s with expert assistance from external occupational health service(OHS) have been developed in Denmark and Sweden. See chapter on OHS. Conclusions are saying, that when introducing SHM systems in SME`s it must be considered that:

- Work is carried out in a result-oriented way. Freedom of choice in the manner of achieving goals is important for company owners.
- Solving of problems and planning are informal.

## **B. Occupational health legislation in the EU countries with special relation to SME`s.**

### **National legislation**

To set guidelines for good safety and health management practice, we have to consider the national legal framework. The systems of legislative control in the EU member states are all based on:

- basic framework laws or enabling laws establishing general principles and specific requirements.
- subsidiary legislation(regulations, decrees, orders etc) which set out more or less detailed requirements for compliance with these general principles.

In some countries(France, Germany, Luxembourg)this is paralleled by systems related to occupational insurance schemes, where bodies responsible for organising occupational insurance have issued rules which must be complied with by the employers.

The national legislation which reflects different political and social developments and work reforms in the EU-countries does not stand alone. In the international arena the ILO Conventions and The EU directives on health and safety, are of paramount importance. The Directives are the latest development, and has to a different degree been implemented in a supplementary way in the already existing national legislation and/or given rise to new regulations.

## **ILO Conventions and Recommendations**

The ILO Conventions are mandatory in their application for the states which have ratified them, whilst Recommendations are mainly of value as reference sources(9). Also ILO has put forward principles guiding the labour inspection in the often difficult work of ensuring the application of the legislation(10). On the question of Occupational Health Services, the ILO recommend these services "for all workers in all branches of economic activity and all enterprises". This convention has only to a limited degree been ratified by the Euro-pean states, and the Framework Directive is not as mandatory in Article 7 on this matter as the ILO Convention.

## **EU-Regulations**

Of central importance is the Council Directive 89/381/EEC( the Framework Directive). The history of this important directive is long, but the influence of the general ILO recommendations on health and safety and existing framework laws in most European countries can be found in the directive. An important and decisive role has been played by The Advisory Committee on Safety, Hygiene and Health Protection at Work, composed of trade unions, employers and government representatives.(11) Through the implementation of this directive the EU Countries has revised its national laws and regulations. In some countries this has led to more far-reaching changes than in other countries depending on the level of already existing health and safety laws.

EU legislation can be described as existing of 3 levels(12):

Level 1:

These lay down the responsibilities and rights of all parties concerned at plant level and the obligations of the member States. Essentially this means the Framework Directive adopted in 1989.

Level 2:

Covers all risks to which workers are exposed. It includes all the individual directives under the 1989 framework Directive and the 1980 Framework Directives(risks related to chemical, physical and biological agents) and its various individual directives.

Level 3:

These lay down rules for the design of work equipment which incorporate the principles of prevention laid down in both the foregoing levels. Here is included directives on technical harmonization to achieve free movement of products(article 100A) which is the basis for standardization mandates given to European standards institutions. Directives for dangerous chemical substances or preparations are also incorporated at this level.

For a good and concise description see the synopsis from ETUC(12). In this study our main interest will be the level one Framework directive. A directive with the objective to ensure the same high level of protection for all workers in EU countries. It lays down general obligations of employers and workers in health and safety protection at the workplace.

The transposition of this directive into national legislative systems has been and still is focus of debate in the EU member states. A detailed survey of national health and safety preventive systems into which the directive is transposed coupled to an review of how it is implemented can be found in an ETUC report from 1994(8).

Ratification of ILO Conventions and implementation of the Framework Directive is not a sufficient condition for establishing good health and safety practices in the enterprises. The main problem is related to the questions about the internal resources of the companies considered. Especially SME`s are often weak on resources and information on health and safety. Furthermore the labour inspectorates only have resources to inspect a limited number of enterprises.

### **Loopholes**

The Framework directive contains a long list of obligations. In the drafting stage it was met with resistance especially from the British Government and from the employer`s lobby(14). Loopholes were introduced that limits the employers obligations:

- Limiting employer`s responsibility for things which happen "due to unusual or unforeseeable circumstances, beyond the employer`s control or to exceptional events"(Article 5, 4)
- Not burdening SME`s with "administratively, financial and legal constraints"(Preamble and article 10,1).
- Gives great flexibility to firms in appointing safety officers; in some cases employers are allowed to appoint themselves(Article 7,7 and article 8).
- Allows for measures to be implemented "according to national legislation and/or practice".

The implementation of the Framework directive can thus introduce economic considerations into questions of health and safety standards. Governments can use the directive to lower standards which will reduce the health and safety prospects for workers in the SME`s. But national governments can also choose another way. Either retain existing high standards or introduce higher standards. This is in accordance with Article 1(3): "This directive shall be without prejudice to existing or future national or community provisions which are more favourable to protection of the safety and health of workers at work."

In Italy where health and safety is embedded in the constitution, there has been strong debate about harmonization meaning lowering of existing standards for workers. The future development will show how this contradiction will find its solution.

The trend in the EU countries has been away from large-scale enterprises, to smaller sub-contractors and subcontractors of subcontractors. Workers are more at risk and in addition workers in SME`s are less likely to be unionized than in larger companies. This is a strong argument for implementing the Framework directive in a way that gives detailed and precise obligations for employer`s of SME`s.

## **Collective labour agreements.**

Where legislation establishes general principles and minimum standards for the protection of health and safety at work, collective labour agreements can supplement this or widen the responsibilities. It can be through labour agreements in branches or local workplace agreements between employers and unions representing the employees. This has been of particular importance in countries and industries, where there are gaps in the implementation and administration of health and safety legislation. It's an area with possibilities of making collective labour agreements on good practice that supplements existing legislative regulations concerning health and safety.

A comparative study on employee representation in health and safety(15) says: "In Greece, Spain and Italy there are very limited provisions on information. Evidence that the situation is at least not to the satisfaction of the trade unions is found in the frequent appearance of clauses on health and safety information rights in company and national collective agreements. However, since these tend only to affect the larger organizations it is a fair assumption that workers and their representatives in smaller companies in these countries are frequently inadequately provided with health and safety information".

The question of the actual coverage of workplaces is important. Limited coverage limits the protection that agreements can provide. In some countries only half of the workforce is covered by collective labour agreements giving way to wide differences in levels of labour protection. Examples from Italy with a high degree of collective agreements on safety and health, also show there is a problem with continuity(15).

## **Trade union organisation and enforcement.**

In several European countries the level of trade union organization is low. In France the smaller workplaces have nearly 70 % of representatives that are non-union. A comparative study(15) has said that the institutions for worker participation cannot be dependent on workplace union strength for their development: "In the absence of trade union workplace organization, the role of law and its enforcement by the labour inspectorate becomes more central to worker participation". The different degree of unionization is manifest, and with great differences. High degree of unionization is supportive of establishing SHM systems in the establishments. In countries like Denmark and Sweden the labour inspection makes enforcement notices to appoint safety representatives, safety committees and training of these. It means appointment and/or election of safety representatives can be supported by an active attitude of the labour inspection.

## **C. Market economy and SME's.**

The EU legislation on health and safety is reflecting the introduction of The Single European Act from 1986. The creation of an internal market could result in "social dumping", that is, there would be an incentive for transnational and multinational enterprises to shift investment to the lowest cost areas in the EU countries. The effort to harmonize product standards (Article 110A) was followed by an Article 118A

"encouraging improvements, especially in the working environment, as regards the health and safety of workers and achieving harmonization of conditions in this area while main-taining the improvements made."

Most firms in the EU countries are in fact very small. In UK in 1993 99% of all firms are small firms who employ fewer than 50 people. And these account for 44 % of total private-sector employment, compared to 35 % in 1979(16). At the same time the transnational enterprises are getting bigger and are operating globally. With this development sub-contracting has lead to a huge number of so called second-degree companies, controlled by key-companies. International studies show a tendency with an unequal risk distribution and social vulnerability with wide differences between small and big companies and between different types of countries.(17)

In UK a study on small firms done by the labour inspection HSE(16) says:

- Accidents involving fatal and serious injuries are 40 % more likely to happen in premises with fewer than 50 workers than in premises with more than 100 workers.
- Most small firms carry out lower-risk activities. But more and more higher-risk activities are now being contracted out to small firms or self-employed people. Many are also in two of the riskiest parts of the economy, construction and agriculture.
- Some small firms who keep to health and safety rules say they are at a disadvantage because "cowboy" operators who ignore health and safety rules undercut their prices.

In relation to legislation on the SME`s in the EU countries there have been differences of opinion on the measures to be adopted. ETUC(18) has submitted the view to the EU Commission, that there should be no exclusions from the scope of a directive by reason of a firm`s size and that directives should be explicitly applied to SME`s. As far as small companies also can carry out high-risk activities, this is a central problem.

## **2. THE ROLE OF LABOUR INSPECTION IN IMPOSING OBLIGATIONS ON OWNERS OF SME`S.**

In all countries labour inspectors are faced with difficulties in putting legislation into effect and with various economic and political problems, not to mention the lack of inadequate financial resources.

But regardless of these difficulties labour inspectors are trying to fullfill "the splendid task of workers protection"(19). Prevention of occupational hazards is a universal and global obligation. Today questions of social dumping and transfer of risks are raised internationally. New technologies and new patterns of work puts new demands on the qualifications and training of the inspectors. This highlights the question of effectiveness and competence of the national labour inspections. Duties are diverse and labour inspectors have to develop into "learning organizations" to match the technological and social development and maintain its primary responsibilities(19):

- Ensuring respect for the protection of workers.
- Promoting legislation adapted to the changing need of the worlds of work.

The ILO Conventions no. 81, 82, 85 and 129 on Labour Inspection are the main international legal framework for setting the goals and methods of the labour inspection responsibilities. EU has not been specific on the powers of the national labour inspectorates, but have developed close contacts with the Senior Labour Inspectors Committee (SLIC), representing the national labour inspection authorities. Furthermore a programme for exchange of inspectors, information and best practice has been supported by the commission. Lately the SLIC organisation has been officially recognized as an advisory body to the EU commission.

The main documentation for the work methods of the Labour Inspectorates in EU countries is a Guide published by the Senior labour Inspector's Committee in 1995(20). It documents the activities of the labour inspectorates varying from state to state. Earlier in 1985 a similar comparative survey was published about laws, and practice concerning the occupational health in the states of EU(21).

## **A. The powers and work methods of the labour inspection.**

The organization and work methods of the labour inspection are of fundamental importance. As "an institution responsible for ensuring respect for the protection of workers and promoting legislation adapted to the changing need of the world of work". Work methods and organisation must continually be evaluated to maximize this goal formulated in the ILO Convention nr. 81 on Labour Inspection from 1947.(22)

The question of empowerment of inspectors to remedy observed defects and work methods threatening the health and safety of workers, is often debated in the EU countries. But regarding the problems in SME's with lack of safety organization and lack of knowledge of risks, the power of the labour inspector to intervene is of fundamental importance.

Through combinations of nationwide information campaigns and focused inspections the labour inspectorates in the EU countries are developing new work methods to reach the SME's.

There is a growing body of documentation of these efforts, and cross-national studies are needed to stimulate exchange of information of best practices. The Dublin Institute (The European Foundation for the Improvement of Living and Working Conditions) are supporting projects in this area, and cooperation on european and international scale is needed to match the internationalization of markets and trade.

## **B. Promoting the good working environment**

The main function of the labour inspectorate is enforcement of occupational health and safety requirements. Enforcements must be functional, that means it must be expressed in terms that further the good working environment. The labour inspection is also a knowledge-based institution which can give valuable advice and information on the good working environment.

Research shows that inspection visits are usually combined with giving information and advice.

The main responsibility for health and safety must lie with the employer. The solutions must be concrete and suited to the work situation and the best available technology. But with the development of new technologies, new risks and new work methods, the role of the inspectorate has not lessened in the highly industrialized countries.

That points to the central tasks of effective labour inspection:

- To make enforcements not only on specific risks but also functional enforcements supporting the primary prevention at the work places. That means pointing to the weaknesses in safety management, risk assessment and questions regarding the consultation and participation of the workers.
- To describe the main risks and problems and point out the employers' general obligations regarding general principles of prevention, such as prevention of occupational accidents and diseases. That means to integrate the prevention ideology in the enterprise.
- To play a central role in supervizing national and regional efforts on prevention of occupational hazards in collaboration with health authorities and government. The labour inspection has privileged access to all workplaces and enterprises and enterprises have several obligations to report on their activity to the labour inspection. This means the work of the labour inspection is of main importance in documentation on the limitations and problems of worker prevention in the society.

Big establishments often have a stronger organization, more resources, more information, better employee representation and also more resources to establish safety and health management systems to the benefit of the workers. Through the use of external services like occupational health services, the big establishments should be able to deal with the majority of problems without involving the labour inspection authorities. Thus freeing resources for inspection in the SME's.

### **3. SAFETY AND HEALTH MANAGEMENT IN THE SME'S: FINDINGS ON BEST EU PRACTICES AND RECOMMENDATIONS.**

SHM systems can be designed to fulfill the obligations according to national health and safety regulations. But experience from EU countries shows, that to be effective, it must be an integrated part of management. Thus the question of linking different management systems must be considered.

#### **A. Tripartite and bipartite structures to support labour protection.**

The tradition for tripartite structures goes back to the International Labor Organization (ILO), where tripartism is officially recognized as the essential structural basis.

It can be defined as: "a forum in which representatives of labor, management and government enjoy equal status and join in free discussion and democratic decision".

Tripartism is an important background in several countries in EU regarding worker protection issues. It can be seen as an advisory body to the government and the labour inspection, but also as an arena where the social partners can take an active role in prevention of occupational hazards.

ILO have argued strongly for these arrangements and in a study from 1982 on the construction sector, it is argued that active tripartism in this sector can influence the rate of serious accidents: "The social partners can play an important part in improving the safety and health record and working conditions in the industry.....Working conditions and accident rates in the industry have tended to improve in those countries where effective tripartite institutions dealing with these aspects of the industry exist, such as the Scandinavian countries(notably Sweden), the Netherlands and Canada".(23)

In the EU countries mechanisms are established to enable the social partners to contribute to the achievement of a safe and healthy work environment. Through bipartite councils the unions and the employers organisations are able to discuss both existing and proposed legislation, policy and preventive measures. A study(24) shows that if consensus is not reached the government is forced to take unilateral action. And that tripartism seems to work best where there are a small number of larger unions.

At branch level this can be supplemented by councils based on trades. As an example in Denmark there exists a forum for consultation called the Branch or Trades Safety Councils. They have equal representation from employers, supervisors and employees and are able to support the overall prevention effort. Involving the social partners can have important benefits in the planning and support of information campaigns on occupational health.

As examples can be mentioned:

- Survey of problems associated with the special working conditions in the specific sector.
- Assistance to government efforts in labour prevention.
- Participation in the drafting of branch-specific regulations.
- Drafting guidelines on good practice in the branches, e.g. risk-assessment, in cooperation with the national labour inspection.

Another method used in the EU countries is to involve the social partners at regional level. This is closer to the company level, and the involvement of publicly known persons from industry and public service near to the local communities can have beneficial effects in the overall work to inform on good safety and health management practices.

If the social partners have a strong influence, and takes over responsibilities normally associated with the government, this system is called corporatism. In a Swedish research study, the construction sector in 12 west-european countries was compared in relation to frequency of occupational accidents. The goal was to investigate how different forms of corporatism had influence on the work environment(12).



## **The Nordic model**

This study shows that legislation is not the fundamental difference. The main difference between the nordic countries and other european countries was the way laws and rules were being implemented in practice. The unions have played a decisive role in the actual and practical implementation, but also in the control of the problems of compliance with laws and rules. Safety representatives have normally a close connection to the unions, and reporting of problems is a function that supports the development of new regulations and revision of existing regulations.

The study shows that in the Nordic countries and in the Netherlands, strong unions with a centralistic orientation have been active in the policy development of health and safety through tripartite and bipartite bodies. Another important factor is the existence of an irregular workforce with temporary employment in the sector. The conclusion of the study is that the rate of occupational deaths in the construction sector is much higher in countries with low degree of corporatism( degree of active engagement of the social partners in labour protection) and in countries with high degree of an irregular workforce.

### **Recommendations:**

- Studies on the construction sector shows the importance of active tripartism in the prevention and control of occupational hazards. Death rates are lower in countries where the labour inspection is supported by active social partners.
- Cooperation with the social partners is not changing the role of the labour inspection, but can support primary prevention by changing attitudes and develop a better safety culture in the enterprises.
- In the production of new knowledge and formulation of new regulations the active engagement of the labour unions plays a decisive role. Unions are organized across companies and regions and have great potentialities in active information work and changing workers attitudes to health and safety.
- If tripartism and bipartism are to be effective the efforts must be branch-oriented. The preventive work can be connected to:
  - Surveys of problems associated with the special working conditions in the specific sector.
  - Assistance to government efforts in labour prevention.
  - Participation in the drafting of branch-specific regulations.
  - Drafting guidelines on good practice , e.g. risk-assessment, in cooperation with the national labour inspection.
- Temporary and irregular work must be a serious concern in the overall inspection work.

## **B. Employer`s general obligations according to legislation.**

According to the Framework Directive(Article 6) the employer has the legal obligation to establish safe and healthy work conditions. The principles of prevention in the Framework directive are reflecting the development of labour protection to include not only safety but to include all working conditions. The working conditions must be suited to both the physical and the psychological characteristics of the individual worker. And in addition the worker must be afforded the opportunity of influencing his own situation. It goes further than prevention of injuries. The work should entail as little physical and psychological danger as possible, as well as facilitate well-being and individual development. In the EU countries this is reflected in new forms of legislation on safety and health where primary prevention is given higher priority.

The concept of workplace health and safety contained in the Framework directive is not just a narrow one, relating only to specific hazards in the work environment and materials or equipment handled by workers. This has been common practice in many European framework laws on workplace health and safety. The inclusion of broader issues as ergo-nomics and work organization is also reflected in the later "daughter directives" on manual handling and visual display units.

But if the employer's obligations shall be more than just formal responsibilities, it must be transformed into systems of safety and health management(SHM). Systems that give specific and detailed information to both employers and employees about duties and rights. There must be systems that can be controlled and monitored both at enterprise level by the social partners and by the labour inspectorates. To be effective at enterprise level, safety and management systems must be reflected in concrete legislative measures on:

- Systems of employee participation and training.
- Systems of risk-assessment.
- Systems of expert assistance(occupational health services).

The Framework directive gives the most detailed and concrete obligations regarding risk-assessment(Article 6 and 9). Especially the obligation to evaluate all risks and to be in a possession of an assessment of these risks seems to be a big step forward. When risk-assessment is becoming an integrated part of management, the labour inspection must develop more systems-oriented inspection methods.

### **Role of top-level management.**

Implementation of SHM systems can only be fruitful and effective if the top-level management supports the process. SHM must be integrated in a policy on the work environment issue. Of central importance is the risk-assessment process in the companies. In the consciousness of responsible management the concept of risk also includes risks to the external environment and experience from EU countries shows that an integrative approach can support the preventive effort regarding occupational health.

The role of management has often been repeated, and it is worth mentioning the words of the Robens report(25) that led to the health and safety law in UK in 1974:

"If directors and senior managers are unable to find time to take a positive interest in safety and health, it is unrealistic to suppose that this will not adversely affect the attitudes and performance of junior managers, supervisors and employees at the shop-floor.

Good intentions at board level are useless if managers further down the chain and closer to what happens on the shop-floor level remain preoccupied with production problems.

The promotion of safety and health is not only a function of good management but it is, or ought to be, a normal management function, just as production or marketing is a normal function.

Safety and health should be treated like any other major management function, with a clear line of responsibility and command running up to an accountable individual at the very top. The other crucial level is the level of first-line supervision. It is the supervisor who is on the spot and in a position to know whether or not safety arrangements are working in practice. His influence can be decisive. Both here and abroad, wherever we have seen outstanding safety and health arrangements it has been clear that a key role is played by well-trained supervisors who are held accountable for what happens within their sphere of control."

This analysis from the Robens report is worth mentioning, because the employers concrete responsibilities often are diffuse and unclear in practice, when supervisors are "representing" the employer. To underline the obligation of top-management, it is normal that legal proceedings is directed at the employer. Also the Robens-report points at the central importance of trained supervisors as a precondition for good SHM.

The different national laws in the EU countries also show differences about coverage and extension of the law. Duties can be extended to other groups like the self-employed and students. As examples of relative new law constructions, the work environment laws in the Netherlands and Sweden will be mentioned.

## **Examples**

The New Working Conditions Act in the Netherlands dates from the 1. january 1994. Article 3 and 4 gives a concrete description of the general obligations of employers. Especially remarkable is:

- Besides ensuring safety and health, employers must be responsible "for promoting the well-being at work, in the light of the generally recognized rules of technology and the current state of occupational health care, work study and management science".
- The work must, as far as may reasonably be required, contribute to the professional skill of the employees. The work should be organized in such a way that they have sufficient opportunity to carry out the work according to their own judgement, on the basis of their professional skill, to maintain contact with other employees and to acquaint themselves with the purpose and the outcome of their work and the requirements to be met by it.
- Monotonous, repetitive, short-cycle work and work whose tempo is governed by a machine or an assembly line such that employees are unable to influence the speed of their

work must be avoided. If not possible the work must be regularly interspersed with work of a different type or with breaks.

In Sweden the Work Environment Act of 1994 contains stipulations concerning duties in certain respects of persons other than employers and employees. That is:

Persons undergoing education.

Persons who as inmates of an institution perform work which they have been allotted.

Conscripts in the defence establishment(peacetime)

Pupils and students are in some respect equated with employees(Student safety delegates).

Furthermore employers shall have an organized scheme of job modification and rehabilitation.

Technology, work organization and job content shall be designed in such a way that the employee is not subjected to physical or mental strains which can lead to ill-health or accidents. Forms of remuneration and the distribution of working hours shall also be taken into account in this connection. Closely controlled or restricted work shall be avoided or limited.

### **Recommendations:**

- The employers` obligations must be transformed into concrete and detailed duties regarding systems of safety and management.
- There must be systems that can be controlled and monitored both at enterprise level and by the labour inspectorates. To be effective at enterprise level, safety and management systems must be reflected in concrete legislative measures on:
  - Systems of employee participation and training.
  - Systems of risk-assessment.
  - Systems of expert assistance(occupational health services).
- The principles of prevention should be included as the employers main obligation. The question of work organization and job content should be included in the law.
- The health and safety legislation should be extended to cover all forms of activities that can be harmful to the health and safety of persons working. As examples can be mentioned the self-employed and in certain respects persons undergoing education, inmates performing work and conscripts in peacetime.
- Pupils and students should have the right to elect student safety delegates. By giving them duties and responsibilities their experience can help to raise the general level of labour protection in the future with their entry to the labour market.
- Duties to organize job modification and rehabilitation schemes should be included.

## **C. Quality management systems in relation to safety and health.**

In modern enterprises acting in the international market, quality control is indispensable. The actual monitoring and control of quality is done by the workers and their supervisors on the floor level, in the production lines or in the service-functions in close contact with the customers.

The worker must be seen as a resource to be respected, if confidence and mutual respect is to be built. Modern management systems, be they European, American or Japanese are to some degree reflecting this.

Good SHM and quality are not opposites, but can be two sides of the same coin. Why have there been problems in coming to terms with this insight? Due to traditions limiting labour protection to questions on accident prevention, the revision of the national health and safety laws has been difficult. Especially the integration of ergonomics and psycho-social factors in the general laws has caused problems on how to formulate legislation extending the responsibilities of the employers. This is also reflected in the different forms of implementation of the Framework Directive seen in the EU countries.

The development of the quality-concept has followed the same road. From a limited approach finding faults in the production to become an integrative method where work methods and quality are continually evaluated. By integrating quality from the beginning in the development and design-phase, knowledge on health and safety risks can be used in a meaningful way and support the primary prevention of hazards. This method was initially developed in big companies, but experience shows that also SME's can benefit from this approach.

It is not a matter of size, but more a question of knowledge and motivation. Big companies have more internal knowledge, but SME's can obtain knowledge through the systematic use of external services.

### **Cleaner technology and SME's.**

The concept of cleaner technology was developed on basis of environmental considerations, and can be defined as a dynamic way of thinking. Management that is responsible to both environment and workers' health and safety is characterized by this way of thinking.

Special attention must be given to the possibilities of using the principle of substitution. The investigation of especially organic solvents has shown possibilities of substitution. As organic solvents are hazardous to both man and nature and are widely used, the use of cleaner technology in this area must be considered as an important option for the national labour inspectorates.

Organic solvents are widely used, and especially the use in SME's without safety and health management measures must be considered as a potential health risk to many workers. The benefits of effective campaigns against irresponsible use of organic solvents must be considered as having great preventive value, and examples from EU countries shows great possibilities. The Nordic countries have for many years agreed, that solvents can cause chronic brain-damage, but there is not consensus in the EU countries to accept danger-

classification of solvents. If solvents are not classified as dangerous, preventive measures are not thought necessary. Especially between Denmark and the EU Commission has there been divergencies on this question. Morbidity statistics are different in the EU countries (see chapter on surveillance) with different criteria for occupational diseases. Some countries have open lists, while other countries have closed lists, where you must have a certain and recognized disease, to be notified and diagnosed.

As an example the Danish labour inspection has issued an order on professional painting work, which contains intervening rules for house-painting and other painting. This is done through mandatory labelling of the contents, with the practical implication that solvent-based paints can no longer be used for indoor painting jobs, and mandatory substitution, i.e. using the least toxic product. Studies (26,27) show, that there exists technical possibilities to avoid the use of organic solvents. Denmark has not awaited the scientific consensus on the issue, and have many years of experience with substitution with less hazardous substances or processes. Water-based paints and glues are examples, where industry has developed a niche-production with a world wide market.

This is an example of a campaign that has been of great help to raise the level of "safety culture" in SME's. If the labour inspection takes an offensive attitude to introduce "sustainable technologies and work-methods", it can stimulate innovation and labour prevention in the SME's. Introducing SHM systems must evade being a formalized system. It can only succeed if it is combined with a prioritization of prevention in areas of serious risk.

### **Management systems in SME's**

Research shows that SME's have problems with being active in prevention both on environmental and health and safety issues. (28,30). The "barriers" to introduction of cleaner technologies in SME's have been studied and the findings of this research can be used to analyze how to stimulate innovation in SME's.

- Even if a company has positive ambitions, it can be difficult to adapt new activities in the daily production. SME's often lack competent persons educated in environment and occupational health. Furthermore they have problems with the "translation" of legislation relevant to their company. They have limited resources, both in terms of economy, knowledge and time. Thus methods in both environment and safety and health management must be simple. The SME's must be provided with simple and operational tools so they can be able to identify specific targets and areas of initiatives. By informing on systematic methods of environmental management, the labour inspection can stimulate a change in the managers general attitudes. The following ten pieces of good advice on environmental management can be used to raise the general level of responsibility in the SME's (30):
- Make it simple-make it workable.
- Start by conducting environmental management in practice.
- Determine the organization and provide resources.
- Make a review of the environmental impacts.
- The environmental policy must specify the principles and be engaging.
- Draw up specific targets and select areas of initiatives.

- Determine responsibility and action programmes.
- Follow up and evaluate.
- Make "green accounts".
- Use practical tools.

Especially the review of environmental impacts addresses some of the risk factors that are also harmful to occupational health. Environmental protection is going to play a greater role in the future. Stricter regulation of hazardous materials, waste management, recycling and the rising importance of marketing for so called green and sustainable products, is an international tendency. Through a systematic registration of problems and monitoring of risk factors to both environment and the workers safety and health, both areas can benefit. There is an overlapping area between environmental and occupational health prevention efforts and quality management. If a company is interested in marketing environmental sustainable products of high quality this integration must be considered essential.

Today companies can be certified in quality and environmental management standards(29). By using the quality standards(ISO 9000) and environmental standards like ISO 14000, EMAS and BS 7750, the SME's can benefit from using the methods from these standards without necessarily being certified. The first step is to start using the dynamic and systematic way of thinking that is part of these standards. Today also SME's have been certified according to these standards and experience shows it is possible(30,31,32).

The latest development is the introduction of a standard guideline to the use of SHM systems, that is called BS 8800(33). The integration of health and safety in the environmental programs seems to raise the level of general motivation of the employees. Especially the Nordic countries, the Netherlands and to a certain degree Germany have been active in the effort to integrate labour protection in these new management systems. With legislation on risk-assessment employers are obliged to make a systematic review of all risks to health and safety. Using quality management systems will help them to make a continuous review and action plans that comply with legislation.

A Finnish study(34) from 1992 on links between quality control systems and risk management revealed that 70 % of work safety officers and 40 % of safety delegates take part in improving quality systems at the workplaces. With European economic and political integration in full swing, quality control runs through every aspect of corporate management. Many buyers refuse to do business with sub-contractors until they are assured that ISO 9000 quality standards are observed. The study says, that focus is steadily shifting from conventional safety to corporate quality control, with work safety officers liaising between management and personnel. The study nevertheless found that the expertise of health and safety personnel is still being underused.

In Denmark the labour inspection has produced a guide called "Systematic Labour Protection-Inspiration Year 2005" calling for integration of safety and health management in the quality and environmental management of the companies(35). Also the Ministry of Environment has been very active in supporting projects with SME's integrating quality management with environment and occupational health. The legislation on safety organization and occupational health services has been changed to open for the integration of environmental sustainability in the health and safety work. Through education of both management and employees, the value

system can be changed to a more responsible attitude to both occupational health and the environment(28).

Through "green accounts" companies can document their policies on protection of environment and occupational health. This means the company makes a public declaration on its determination to comply with all regulations and its preparedness through education and training to raise the level of responsibility to environment and occupational health. The company also declares it will use technologies that are sustainable and support introduction of cleaner technologies less harmful to both environment and the workers` health. As a necessary precondition the company must have access to external multi-disciplinary expert services with sufficient competence.

### **An example**

In Denmark the council for recycling and cleaner technology has supported a project concerning: "Employee participation in introduction of cleaner technology"(30) in order to find out how the employees can participate actively in prevention of environmental problems at the source. Furthermore the project has analyzed the conditions that further or restrain employee participation in environmental activities in companies. It was anticipated that this could lead to improvements in both working conditions and external environment. This expectation was correct. In the project health and safety committees have had environmental efforts included in their field of responsibility. The conclusion states:

"Motivated employees and good working conditions are closely linked. Employees` motivation and commitment in environmental activities are also furthered if they have influence on the development and planning of their work. The best reward is to take the employees` ideas and suggestions seriously and to implement the suggested improvements".

In a project with a medium-sized company(30) it was shown, that implementation of cleaner technologies and workers` participation can be agents of innovation. If the development process is to be successful, it must be based on the following basic principles:

- Maximum workplace democracy, mutual respect between employer and employees, and the learning process aspect in focus.
- Employees participation could be related to all steps in the process, from the problem identification to the evaluation of the solution implemented, and is strictly voluntary.
- Employees` are guaranteed enhanced or enlarged jobfunctions according to the growth in their qualifications.

Also here it was documented that coordination of improvements in working conditions and environmental management are motivating for the workers as well as productive for the enterprise.

### **Conclusion**



Thus Safety and Health Management (SHM) in practice must be regarded as a process where companies develop tools that can be integrated in the general management process. One of these tools is preventive environmental activities. Environmental policies will be more successful if they build on extended employee participation and good working conditions. And the other way round: Occupational health can benefit from employee participation in environmental activities.

### **Recommendations:**

- Labour protection, environmental protection, quality control and innovation can all benefit from a closer coordination and integration of monitoring quality systems.
- The national labour inspection must take a progressive role in advising and informing on the general benefits of this integration.
- The effort must be directed at changing the value-systems of employers and workers to a more responsible attitude to occupational health and environmental issues.
- SME`s can benefit from using the methods from the environmental standards(ISO 14000, BS 7750 and EMAS) without necessarily being certified. They can benefit from the dynamic and systematic way of thinking that is part of these standards.
- The result can be organizational synergy supporting the innovative process and thus give the company a leading position in both labour and environmental protection.
- Labour inspection must support "green accounts" integrating environment and occupational health. The publishing of open green accounts can be an important parameter in a changing marketplace, where environmental responsibility and stricter environmental legislation is becoming more important.
- To obtain the full value of this coordination, the participation and consultation of the workers and/or workers` representatives is indispensable.
- Especially the medium-sized companies have resources to join such programmes. With external advice and support they can become models that can stimulate the smaller companies to take up the same road.

### **D. Economic incentive systems-safety and health budgets.**

Minimum standards of health and safety guaranteed by legislation is not enough to guarantee against accidents and diseases. Only part of the cost of injury and disability is born by the individual employer. The state, the insurers and the individual bear the rest.

The paradox is that "most employers often feel little incentive to do more than the law demands, since they see no apparant financial return. Improving the working environment costs them money"(35).

In a report from the Dublin Institute: Catalogue of Economic Incentive Systems for the Improvement of the Working Environment"(36) the situation is paralleled to the problem of environmental pollution. By using the "polluter pay" principle several countries are trying to charge the polluters with levies in relation to the amount of pollution created. Thus trying to give the polluter a financial incentive to reduce the discharges. This concept can also be used in the health and safety field. As examples are mentioned:

- Relating the employers` premiums for statutory compensation insurance to his statistical accident record(experience rating).
- Offering financial aid to employers who wish to improve standards.

With the aim of facilitating such efforts the Dublin Institute has established a European Forum to exchange views and ideas on incentive schemes. In a special report(37) Euro-pean and Canadian examples are presented and analysed.

### **The problem with SME`s.**

The analysis says clearly that in SME`s common accident statistics cannot be used as a concise risk-assessment, while accidents are rare and the fluctuation in statistics will be enormous just because of one or two accidents. Alternatively other methods must be used to establish more realistic premium rates. Risk-assessment which is obligatory in the EU countries seems to be the way forward to a more precise and just evaluation of the standard of health and safety in branches and companies.

The main problem with an accident-based insurance premium is that diseases are not evaluated. Occupational cancer has a long latency and the problems with the reporting system for occupational diseases is evident(see chapter on surveillance of accidents and diseases). Furthermore a one-sided approach based on accident statistics can lead to underreporting of accidents, contributing to problems with the overall prevention effort. Certain bonus systems can also have a negative influence on the reporting incidence.

### **Nordic countries**

In the Nordic countries with Denmark, Sweden and Finland as EU members a changed attitude to work environment and economic incentives is noticeable. There is growing interest in visualizing the influence of work environment on the economy at the level of both company and society. The expenses shall be seen as an investment, not as costs.

But isn`t it absurd to use money in evaluating complex problems in the work environment? Sönderriis(38)has described the problems like this:

- What is the value of a happy day? If the morale is high it can mean better quality.
- The cost of a broken leg can be weighed against the cost of better safety measures. But the cost of pain and invalidity cannot!
- A death accident costs the society less than lifelong invalidity.
- What is the value of hearing loss, where you can`t hear the birds singing?
- Shall back injuries be prevented through changed ergonomics or fitness-training, which is cheaper?
- How can we evaluate the costs of lost working ability?

Will the use of economics not be misused to limit the interventions to health and safety problems where it is cheapest, not related to the pains and problems which workers experience? Sönderriis concludes that this is a risk, when economics is used uncritically. But used with consideration of the limitations, economics can have the role of a catalyst to a more healthy working life. Sönderriis has four main arguments:

- It breaks the habitual way of thinking of health and safety as an extra cost problem. The repayment period of a loan investment can be very short.
- The public budgets are under pressure. Prevention of accidents and diseases can save billions on the state budgets. But health and safety is seldom mentioned as a priority area in national budgeting.
- Rapid technological change, fierce competition and new political demands increases the need for competent and flexible employees. Problems with work environment are often reflected in low motivation, high illness rate and high turnover of personnel. Furthermore a negative image can have a destructive influence on the marketing of products.
- The expectations of a healthy working life is higher today. People are more motivated to do something about their own health and informed about the consequences of unhealthy workplaces. People will to a lesser degree accept this.

In the Nordic countries it is estimated that the costs to society related to problems in the working environment is billions of dollars. But to change the situation is difficult because of the bureaucratized organization of society. Many organisations, ministries and persons shall act together. In the Finnish national budget of 1993, the task of the labour inspection is to minimize the national economic costs related to problems in the work environment. And in the action program of 1993-94 the Finnish labour inspection has focused on three different economic solutions:

- Investments that are paid back in a short period and are economically profitable.
- Investments positive to society, and not from the company perspective
- Investments not economically sound and profitable, but necessary for ethical reasons.

In the first situation research and information about solutions must be broadly communicated. In the second and third situation standards, norms as well as inspection are important combined with economic incentives to stimulate the companies to comply. Furthermore to finance the social costs of non compliance and low motivation to safety and health management, the principle of making the companies financially responsible must be maintained.

The Finnish Labour Inspection also supports the research by Bitsch-Olsen(see chapter on training), underlining the importance of an effective and competent inspection authority. This research shows that a soft approach to inspection can be economically more costly than a precise problem identification followed by enforcement and control.

The problems of work-related musculoskeletal disorders is in this regard of great importance. A Swedish study(39) has documented that the average sickleave time for these diseases are 110 days. The economic costs of these diseases to society and to the companies are enormous and investment in prevention schemes has also been an important area in the Nordic countries. The occupational diseases with the greatest economic costs are also the complex diseases like musculoskeletal disorders and psychological disorders caused by problems in the psycho-social working environment.

To support prevention in these areas, it is a limited approach to use standards and norms as the single approach. Economic incentive systems to be effective, must focus on work organization and company attitudes to safety and health. Safety and health budgets can be of superior value by making visible the real social costs of production, not just the numbers on the bottom line.

### **The actual costs**

In USA the employers are directly responsible for employee healthcare costs, and the social costs are relatively easier to quantify than in European countries, where a great burden is met through state funded social welfare and health services. But in the European countries and especially in Scandinavia there is a rising interest in the social and economic costs of occupational accidents and diseases.

A EU report from 1992 (40) estimates that compensation paid for injuries and illnesses alone is around 20.000 million ECU. In Scandinavia it is reported (41) that the total social costs of work related illness and accidents is estimated between 2 and 10 % of the GNP. The potential costs are not confined to directly measurable costs. Occupational stress is of major concern, and in UK it has been estimated that half of lost working days are related to workplace stress and amounting to over 10 % of the GNP(42).

### **An example from The Netherlands**

All employers are obliged to have a policy on sick leave and absence due to illness and must enlist a certified occupational health service, be it external or internal(OHS). Part of this counseling must be counseling of staff who are ill. The contract concluded with an OHS for counseling employees must be sent to the industrial insurance board

Investment in working conditions is regarded to have positive effects like:

- A fall in absence due to illness and fewer employees having to claim invalidity benefits.
- A better image. This is important for companies with vacancies that are difficult to fill.
- Sound labour relations within the company.
- Reduced staff turnover. Better working conditions can help to prevent employees leaving for jobs elsewhere.
- Proper control of technical processes and their modification to suit the workforce leads to better and more efficient production.
- Limiting the exposure of staff to toxic substances, radiation, noise etc. can also reduce the burden on the environment.

### **Conclusion:**

The problem of underutilizing economic incentives in safety and health management is common for all European Countries. There are great potentialities in this area. There is need for government intervention and a decision on which role government has to play in regulating business. The picture is very different from country to country, but research and practical experience are now available to a higher degree than before.

### **Recommendations:**

- An evaluation of the risks in companies and branches must be based on a broad risk-assessment, not just accident statistics.
- To stimulate the use of economic incentive schemes, the labour inspection and the government must publish statistics on the actual social costs of production and public service. In Scandinavia the labour inspectorates have developed methods which can be of inspiration to other countries.
- All employers should be obliged to have a policy on absence due to illness and must enlist a certified external or internal safety, health and welfare service(OHS). Part of this counseling must be counseling of staff who are ill.
- Companies should be compelled to publish their safety and health record in their annual reports.
- Join the European Forum to exchange views and ideas on incentive schemes. With the aim of facilitating such efforts the Dublin Institute has established such a Forum.

## **E. HELP TO SME'S BY MEANS OF ADVISORY, CONSULTING AND TRAINING ACTIVITIES.**

That safety and health problems are worse in small firms is generally recognized in the European countries. The great number of enterprises makes it impossible to build alone on a strategy of enforcement, law or good will. Information campaigns, support of development projects and popularizing the results of changes and research are important methods that supplements the enforcements made by inspection.

### **Examples from the EU countries**

#### **Denmark**

In Denmark the Ministry of Labour has provided several economic incentives to projects in safety and health. 40 million dollars has been donated with half of the amount to a concerted effort against monotonous, repetitive work which started in 1992. It is a tripartite action plan involving the employers and unions in a plan to reduce the occurrence of monotonous, repetitive work leading to diseases with 50 % by the year 2000.

Furthermore in 1996 funds have been established for supporting projects against back injuries from lifting persons in the health sector, students work environment in the education sector

and projects supporting changes in work organization benefiting the good and healthy work environment with special attention to the psychosocial work environment.

The support is regulated through the Ministry of Labour with the national labour inspection administrating the funds. SME`s are specifically mentioned and does not need to involve the EU Commission if they finance the project with 50 %.

Government funds are also available for SME`s that integrate safety and health in their environmental quality systems. Experience so far has shown that also small companies have joined this program. The companies are recommended to use risk-assessment methods to comply with existing legislation on health and safety.

A Green Network is an organisation consisting of big and small companies, public institutions and local authorities in environment. It is providing some free consultancy to help the members to introduce environmental management systems. In the manuals and guides presented, there is a strong recommendation to use risk-assessment of safety and health. This private organisation is helping SME`s to comply with national legislation on green accounts(environment) and risk-assessment(work environment).

## **Finland**

The Finnish Work Environment Fund has introduced a system of "development grants" paid to businesses and local authorities for the purpose of applying research at workplaces(40). A company, or a group of small businesses sit down and define their problem, and then enlist the services of an expert consultant. Development grants are paid out on the condition that the consultant represents the latest expertise in the field, and that the project is carried out in cooperation with the personnel. The Fund covers half the consultants fees and expenses up to a maximum of 200.000 finnish marks. The companies who receive these grants are in effect spending their own money. The Fund draws its revenues from mandatory accident insurance contributions paid by employees.

## **Great Britain**

In Great Britain the Health and Safety Commision(HSC) has said that fatal and serious injuries are 40 per cent more likely to happen in firms with fewer than 50 workers than in larger workplaces(44)

The Trade Union Council(TUC) has said:

"Over a third of the workforce are employed by firms with fewer than twenty employees. Those workers need the government to take safety in small firms seriously, and that means reversing the cuts in front-line safety services. Our response is therefore a call for

- Extra government funds to provide practical assistance to small firms, including
- Regular access for small firms to a local occupational health adviser
- Regular official safety inspection visits to small firms, to provide advice and guidance to employers and workers

- Financial and in-kind support for local consortiums of small firms to provide easily accessible and inexpensive expert advisory services."(44)

In Great Britain there is a heavy political conflict over the role of the labour inspection. The Health and Safety Commission(HSC) has lately told the government that to provide advice and help to the smaller firms the labour inspection has to have a stronger presence. Cutting the staff of the labour inspection(HSE) is contradictory to sustaining the field activities to meet these demands in the smaller firms.

- The Health and Safety Commission(HSC) has recently run a large scale consultation exercise to seek the views of SME's on key aspects of the health and safety system, whether these are initiatives which could help them understand and comply with the law. Analysis of the responses has been completed. The proposed strategy will focus on the role of large firms as intermediaries with small sub-contracting firms and suppliers. (In UK 46 % of small firms work for large firms). A discussion document has been produced: Health and safety in Small Firms, HSE. 1995.
- Besides all HSE guidance is being reviewed to ensure that simple, clear advice is available for small firms on all key areas of risk.
- HSE are running a series of small firms fora which enable small firms to discuss any matters of concern on health and safety.

### **The Netherlands**

- In Holland it is regarded as crucial that companies seriously make an inventory of risks and assess their risks. In order to promote that also SME's do this, the Labour Inspectorate promoted that branch-organizations of employers and employees made "branch-specific models" on risk-inventory and assessment.
- The Labour Inspectorate did not make these models or promote the use or subsidise or pay the development of these tools. This is considered a responsibility of the branch organisations. They can work together with the preventive services(Arbo-diensten) for production and promotion of these tools. The labour inspection assisted only with knowledge and played a role as motivator.
- Most branches have specific models now.
- The National Institute for Workingconditions(NIA) and the Institute of Medium and Small-sized companies(an institute of the employers organisations of SME's -MKB Nederland) organise courses and make material to promote health and safety policy in companies.
- The labour inspectorate has edited a leaflet on health and safety policy in SME's.
- The branch approach of the labour inspectorate, consisting of regular contacts with employers and employee-organisations, gives good opportunity to promote branch-organisations to facilitate SME's in the area of health and safety.

## Sweden

Small firms have fewer resources in relation to safety and health prevention. In Sweden the Council for Research in Working Life finances to small firms between 8 and 16 hours free consultancy. More than 18 hours costs only half up to 75 hours in total. A range of organizations like technical schools, institutes and consultancies have joined the project.

Examples on good practice has been published in great numbers. Through government funding (The Work Environment Fund) a lot of development projects have been initiated and supported. Catalogues of examples from all branches on problems of safety and work organization with solutions have been published with addresses and phonenumbers to contact-persons(46).

- A special campaign concerning supervision of internal control in small enterprises(below 50 employees) is taking place in 1996.

## Recommendations

- Funding of health and safety in SME`s can be made by supporting development projects in occupational health and environmental activities. The economic funding can be from government and/or insurance funds. Projects that integrate occupational health with environment must be given special attention and support. Risk-assessment must be an obligation.
- As a precondition for getting funds, the SME`s must be obliged to accept publication of the project. In this way SME`s with an innovative attitude to labour prevention can be used as models. The method of regulation by reputation and exemplary learning can be stimulated.
- Catalogues of good examples can be published with government support. Branch-related catalogues can be made with support of the social partners.
- The accessibility of inexpensive expert advisory services to SME`s is fundamental.

## F. RISK ASSESSMENT-SYSTEMS

Risk-assessment is not new in industries with many occupational hazards and active safety organisations. But often it is a limited method focused on particular risks facing only a smaller group of workers.

With the Framework Directive(Article 6 and 9) it is a legal obligation for employers to evaluate all the risks to safety and health of workers and take consideration of general principles of prevention covering technology, organization of work, working conditions and social relationships. Furthermore the employer shall be in a possession of an assessment of the risks to safety and health at work.



The directive indicates the aim and the concrete implementation is up to the member states. The interesting question is how risk-assessment can be part of a preventive policy, without being a specialized approach benefitting only a few companies and limited group of workers.

Good working conditions are an essential part of good management, and are important in the prevention of accidents and occupational diseases. Furthermore better working conditions can produce benefits like: Less absenteeism, higher productivity and better quality of products and services.

Studies by the European Foundation (47) show that to develop these benefits and make risk-assessment support the development of good working conditions, it is useful with a wider approach, called workplace assessments. In this way risk-assessment can be part of a general preventive policy. This study also shows good examples from companies practicing different ways of doing workplace-assessments.

Workplace-assessment is an activity that answers at least two questions:

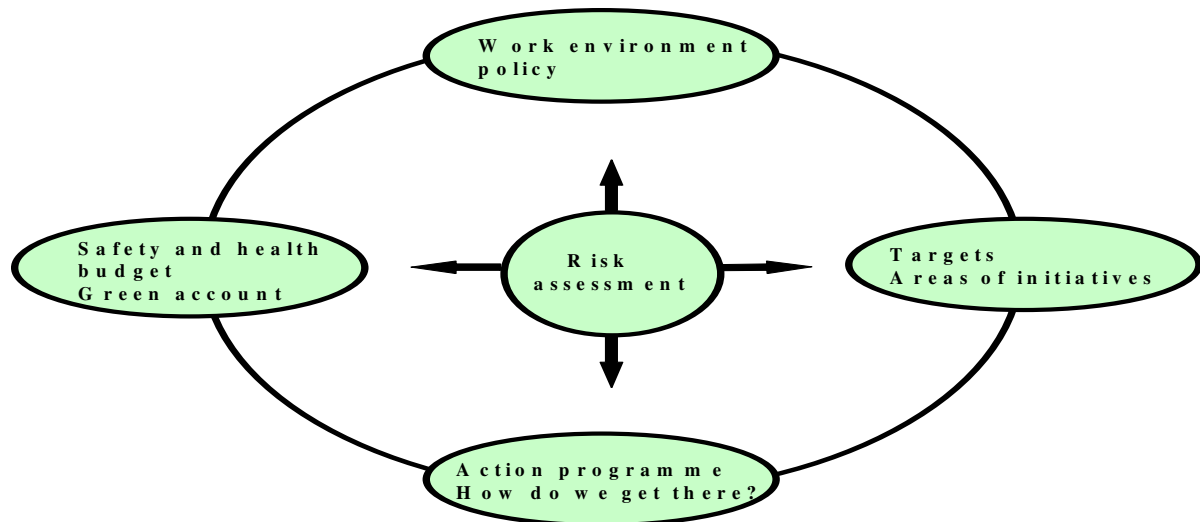
- Which situations or activities within the company(or work process) cause or may cause undesirable effects(such as illnesses or accidents)
- Must something be done about it, and, if so, what actions should be taken and what are the implications?(47).

Workplace-assessment takes a wide view and is oriented towards improvements in the general work situation. All aspects of work can be raised, such as: Physical and chemical problems, ergonomics, safety, psychological stress, burn out and organizational problems.

The process is included in the concept itself. Involvement of workers are a prerequisite and supports the general worker participation. It can give an indication of the safety and health risks at the different workplaces, and point out the needs for more specific risk-assessments and expert-assistance.

Risk-assessment is more limited to the specific appreciation of risks, which often means quantifying the risk factor focusing on a limited group of factors. This is normally a more specialized effort involving technical knowledge.

Projects with medium-sized companies also show there is considerable synergy when risk-assessment also involves the environment. In Denmark a project called: "Employee participation in introduction of cleaner technology", has shown that employee participation is an important resource in companies' preventive environmental activities. This can improve working conditions as well as the external environment.(48). The dynamics of risk-assessment as a management system can be illustrated this way:



## Examples from the EU countries

### The Netherlands

The New Working Conditions Act of 1. January 1994 has in Article 4 a concrete description on this question. Especially remarkable is:

- The duty in the company policy to make a written inventory and assessment of all the risks to the safety, health and well-being of employees associated with the work. The risk assessment must also indicate the measures which will be taken to counter the risks.
- As risks are mentioned risks associated with tools, machines, appliances and other aids used in the work, the substances and preparations employed and the workplace design.
- Included must also be risks that are unavoidable and risks to certain categories of employee, which may be deemed to be exceptional.
- The policy on safety and health must regularly be evaluated in the light of experience. That means the inventory and assessment must be modified as often as is required by the dictates of experience or changing work methods, technology, work study and management science.
- A copy of the risk assessment shall be sent to the employees, other persons and services and the works council if they are not assisting in preparing the work.
- Employers shall assure that all their employees are able to familiarise themselves with the risk assessment if they so desire.
- Employers hiring employees through other persons, shall furnish these persons with a document setting out the specific features of the job to be performed in good time prior to the commencement of the work, so that the document can be passed on to the employee in question.

- Employers working together at a single site must effectively coordinate their efforts to provide good working conditions, and record in writing how they intend to cooperate in this respect.
- Certain categories of companies (with more than 100 employees) shall make an annual safety, health and welfare plan. Employers must ensure that all employees are able to familiarise themselves with the plan if they so desire.
- Employers must hold prior consultations with the works council or, in the absence thereof, with the interested employees regarding the annual plan and company policy in so far the policy may have a demonstrable influence upon health, safety and well-being.
- A copy of the annual plan must be sent to the district labour inspection, the employees, other persons and services and to the works council. When the annual plan is sent to the labour inspection, they shall also be informed of the opinion of the works council or employees with respect to the annual plan.

Especially remarkable in the Dutch law is that:

- Assistance of a multi-disciplinary preventive service(in Dutch: Arbo-dienst) is obligatory for drafting a risk inventory and an action plan. The actual risk assessment, planning and the implementation of actions remain the responsibility of the employer.

When conducting inspections, the labour inspectorate looks for compliance with the employers's general obligations and with the measures agreed upon for remedying concrete shortcomings in the workplace. The inspectorate will refer in particular to the risk inventory and assessment and the action plan. With regard to the risk assessment, the employer may be asked on the following points:

- Whether the risk inventory and assessment has been recorded in writing and is known to employees.
- Whether a preventive service was involved in risk identification and assessment.
- Whether talks were held between the employer and the employees about the measures to be taken and the priorities to be set on the basis of the risk inventory and assessment and the advice of the preventive service.
- Whether these measures are recorded in writing(and for companies with 100 or more employees, included in the annual plan).
- Whether the planned measures have been carried out and the statutory norms or else the state of the art have thus been complied with.
- Whether the appropriate experts have been called in or appointed in sufficient numbers to provide assistance in implementing the measures.

## **Great Britain**

- Risk assessment is implemented in the Management of Health and Safety at Work Regulations 1992. They require employers and self-employed people to assess the risks created by their undertaking. Included is also the risk of harming members of the public.

- It is up to the employer to decide if he can carry out the assessment himself. If not he must get help from a competent source.
- The employer shall record risk assessments if there are "significant findings" and if "any group of employees are especially at risk".
- Risk assessments must be recorded if the employer has five or more employees. But if there are risks connecting to Lead and Noise, then a record must be made even if you have less than 4 employees
- A leaflet called "Five steps to risk assessment" gives practical guidance.

## **Ireland**

- Risk assessment require employers and self-employed people to prepare a safety statement, and be in possession of an assessment in writing of the risks. Such risks must also include any risks which put groups of employees at unusual risk.
- It is required by law and there are penalties for failure to have one. All employees and other persons who may be affected have access to the safety statement.
- Guidelines has been published to the drafting of safety statements. Here is a list of the elements that a safety statement must cover. The labour inspection has also published a format for a safety statement for very small or low risk employments.
- Labour inspectors will see the safety statement during an inspection. If the statement is found to inadequate, the inspector can direct the employer to revise it within 30 days.

## **Sweden**

- The employer shall document the working environment and measures to improve the same. Action plans shall be drawn up in this connection. This regulation entered into force 1993. This is called "internal control" and the employer shall list annually, in action plans, the measures which is taken to improve the work environment. The goals, allo-cations, audits and routines shall be documented in writing. The purpose of the written documentation is to make it easier for both employer and employees to carry out internal control satisfactorily.
- The internal control is a method to systematically organize the safety health management of a company. It is obligatory to chart risks and defiences and the companies are advised to obtain assistance form the occupational health services.
- In small scale activities with just a few employees, it is not normally needed to put something down in writing. But if the activities are of such a kind as to involve great risks

of ill-health or accidents, written documentation may be needed. The same applies if the company carries on activities in various places or if the activities are of a mobile nature.

- The labour inspection has produced guidelines and handbooks on how to make internal control.
- Special initiatives have been taken to implement internal control and risk-assessment in SME's (See chapter on proactive inspection).

## **Denmark**

- In Denmark risk-assessment is called workplace-assessment.
- Workplace-assessment shall be in written form in all branches with duty to establish occupational health services.
- The labour inspection has produced a guideline with a checklist on how the safety organizations can make assessment of all risks.
- The trade councils are active producing leaflets informing on workplace-assessment with special consideration of the different work environment in the branches.
- There is positive experiences from projects where medium-sized companies integrate the assessment of risks to health and safety with assessment of risks to environment. The keyword to success is employee participation

## **Finland**

- In Finland, the employer shall, according to the labour prevention act, continuously monitor the working environment and take appropriate measures in order to investigate and prevent accidents, health hazards and dangerous occurrences.
- More detailed provisions exist for the protection of workers against chemical hazards, asbestos, major-accident hazards and construction work.
- The conditions of the workplace and the safety measures needed are assessed by the employer with the help of experts and the codetermination bodies for occupational safety.
- According to the labour protection act, every employer shall have an action programme for occupational safety. Its purpose is to start at workplaces systematic investigation of risks and improvement of the working environment. The safety and health objectives written in the programme shall be taken into account in the design and development of the undertaking. The management shall commit themselves in the objectives and discuss these together with the employees.
- The ministry of labour has issued guidelines for drafting an action programme.

- The labour inspection districts also gives advice on the matter and have the right to check the existence and content of the programme.
- The obligations mentioned apply to all employers in the private and the public sector irrespective of the size of the workplace.

Regarding SME`s the following can be recommended:

### **Recommendations**

- Risk-assessment must be required by legislation.
- Make workplace-assessments, not just risk-assessments.
- The benefits outweighs the problems-all employers must be included.
- To get SME`s more interested , the benefits of workplace assessment must be communicated broadly. Workplace assessment must not only be a legislative matter.
- Labour inspection can " kick-start" the process.
- The labour inspectorate will see the risk assessment during an inspection. If inadequate it shall be revised within a time-limit.
- Campaigns supported by the government , the labour inspection and the social partners can raise the level of active participation in workplace assessment.
- The labour inspection must publish a list of elements a risk assessment must cover.
- Special guides must be published for very small or low risk employments.
- OHS must be available for all SME`s and give supervision in workplace-assessment.
- Occupational safety and health programmes are most strongly initiated when the company has a positive attitude.
- Employers working together at a single site must effectively coordinate their efforts to provide good working conditions, and record in writing how they intend to cooperate in this respect.
- Make sector or branch specific manuals with check-lists to help the SME`s. Involve the social partners in the branches and nationally in this effort and make them responsible.
- Especially medium-sized companies have ressources to carry out preventive environmental activities, leading to improvements of the working conditions as well as the environment.

## **G. THE DUTY TO ENLIST OCCUPATIONAL HEALTH SERVICES/MULTIDISCIPLINARY SERVICES**

To support and supervise occupational safety and health in SME`s, political efforts have tried to create better conditions for this. The first ILO Conventions and national legislative efforts stressed the obligations of the employer to provide training and all measures to protect the workers against accidents and diseases. But lack of knowledge and resources have always posed severe limitations on a strategy following this line.

Investigations by the labour inspection reveals all too often that the enterprises, the employers and the workers are missing information on safety and health, and that an organizational and cooperative effort in prevention is missing.

The need for consultation and help from external services became all too obvious, and the ILO Convention no. 161 from 1985 on Occupational Health Services(OHS) is an effort to support the creation of institutional services responsible for advising the employer, the workers and their representatives in the enterprise. The ILO Convention is not yet set into action in all EU member states, but several countries have considerable experience in the problems of changing work environment in the SME's with the use of external services.

The ILO Convention states clearly, that:

"Each member state undertakes to develop progressively occupational health services for all workers, including those in the public sector and the members of the production co-operatives, in all branches and all enterprises. The provision made should be adequate and appropriate to the specific risks of the enterprise. If occupational health services cannot be immediately established for all enterprises, each member state concerned shall draw up plans for the establishment of such services with the most representative organisations of employers and workers"(49).

The Framework Directive in Article 7 on Protective and preventive services mentions several different types of institutional arrangements:

- Internal service through appointed workers and professionals.
- Enlistment of external services.

National legislation in EU countries show wide differences as well as different forms of impelmentation of this directive. It is up to the member states to define categories of enterprises, where the employer himself may be responsible alone, where workers must be designated or external services consulted. In practice there is wide variation in the possibility for workers to consult occupational health services with the "necessary aptitudes and necessary personal and professional means". Furthermore there are countries fullfilling the obligation to give coverage to all workers, while other countries have limi-ted coverage. As concerns the SME's, the paradoxical consequence has been that the SME's are suffering most from a lack of OHS. This produces inequality as regards the access to expert assistance in risk-assessment.

### **Barriers between SME's and occupational health services.**

In Denmark the problems with reaching SME's has been studied in an intervention project called the "icebreaker" project(49a). The project has analyzed "the cultural barriers" between employers in SME's and external consultants of OHS. Using methods developed by ILO, the project was focused at crosssing these barriers. ILO(49b) has developed an education program for SME's. The principles in this program was:

- Development must start locally( in the enterprise or comparable enterprises)
- Focus on positive results, not criticism.

- Integration of safety and health with other management prerogatives(productivity, motivation and effectivity)
- Training by means of "learning by doing", where employers are motivated to become an active part in the process of changing the working environment)

In Denmark about 93 % of all enterprises employ less than 20 employees with a total of 38 % of the total workforce. The enterprises were from the construction, auto and graphics branch. Following principles of "learning by doing" and "networking " the dansih project developed a tool box, which contains:

- Meetings with SME`s providing information on health and safety specifically suited to the concrete risks in the SME`s.
- Exchange of experiences and information between the SME`s.
- Presentation of positive examples from SME`s that have used OHS.
- Demonstration of practical examples.
- Visits to the enterprises that joined the project.
- Check-lists and risk-assessment methods.

## **Examples from the EU countries**

### **The Netherlands**

- All companies regardless of size must enlist a multidisciplinary protective and preventive service(Arbo-dienst). This service has to be certified by the Ministry of Social Affairs. This is a new law and is being implemented from 1.january 1996. The requirements for certification is translated to english, and says that the service must have a quality system comparable to those laid down under ISO 9001(50)
- A certified service shall offer expertise in the areas of improving working conditions (safety, health and welfare) and the reduction of sickness leave.
- Companies are free to set up their own "Arbo-dienst", but for SME`s with less than 250 workers this is not regarded as a realistic option.
- The "basic package" the employer must enlist and which the Arbo-dienst have to offer are:
- Identifying and assessing risks and recommending measures.
- Assistance in counseling of employees that are unable to perform their work owing to illness. That means open hours of business for workers with questions on occupational health.
- Voluntary periodic medical examinations.
- These obligations are also applied to employers with less than 15 employees in their service. They can be excepted from engaging this assistance, provided they possess sufficient expertise, experience, time and equipment to carry out adequately the tasks specified.
- To have access to an OHS is regarded as a right to expert support and also exists to serve the works council. It is recommended that the concrete agreements also includes



the support it will give to the works council. This is regarded as an implementation of the right to consultation and participation.

- The Working Conditions Act says that an OHS must have a sufficient number of staff with adequate training. In a decree it is stipulated that every service must have at least one expert in each of the following four areas:
  - Industrial/occupational medicine
  - Industrial hygiene.
  - Safety
  - Labour and organisation.

### **France**

In France the occupational medical service is considered an institution fulfilling the obligation to arrange occupational health services. Established in 1946 it covers all employees and is economically funded by the employers. The activities are mainly spent on medical surveillance (two-thirds of time). That means workplace surveillance has less importance which is also reflected in the dominating role of occupational doctors in these services. Thus medical examinations are taking most of the time, but according to the labour code, the occupational doctors can act as an adviser to the employer on all matters of health and working conditions.

### **Denmark**

- Companies shall establish OHS. The branches is decided by the Ministry of Labour according to a plan This compulsory system has been established in phases since its introduction in 1977. Companies with duty to establish OHS will get an enforcement notice from the labour inspection. Only big companies have their own internal OHS with SME's joining either branch OHS or regional centers. The responsibility of OHS is essentially prevention. The social partners, employers and unions, are through the legislation represented in the executive committee in the OHS.
- The aim of the danish OHS is to prevent working environment injuries such as accidents at work, occupational diseases and gradual deterioration of health by combating elements at the workplace that have a harmful effect either physically or psychologically and to promote employee's health at the workplace.
- OHS is not limited to occupational medicine. The danish OHS centers employ engineers, chemists, ergonomists, psychologists and doctors.
- All companies with OSH shall have a written document on the guidelines describing the the agreement made with OSH and the content of the tasks agreed upon.
- The labour inspection controls the law on OHS, which includes the education and competence of the OHS-personnel .The establishment of an OHS is funded by the government.
- The OHS is obliged to cooperate with the workplace safety organisations.

In the Danish Government Action Programme towards "A clean working environment by the year 2005" it is said, that the OHS must intensify its outreach work, particularly vis-à-vis small enterprises.

## **Finland**

Assessment of hazards in the work environment, are often duties which call for special qualifications. The need for certain measures depends on the branch of the enterprise. The employer may acquire these services from external producers of services. Such services are also available within the occupational health care services. The employer shall early enough cooperate with the employees or their representatives in matters relating to the general guidelines, contents and extent of occupational health care and to the assessment of its effects.

In Finland the employer can organize this service in the following ways:

- Through public health care services.
- Arrange the services himself or together with another employer.
- From another institution or person authorized to produce OHS.

According to the occupational health care act, it also includes follow-up how handicapped workers manage at work, guidance in rehabilitation and care and conduct to rehabilitation. The labour protection act provides that the handicapped workers shall, whenever necessary, be taken into account in arrangements at a workplace.

## **Conclusion**

Occupational health services must be developed qualitatively and quantitatively. In close cooperation with all member enterprises, the OHS acting as adviser, must ensure working environment solutions that offer a high level of prevention and efficiency. It must intensify its outreach especially to the SME's. Advising employers and employees in the SME's on legislation and good solutions to safety and health problems, the OHS can play an important and progressive role in labour prevention. Quality control and certification of OHS-institutions must be centralized and supervised by the national labour inspection to obtain a uniform and high level of labour protection.

## **Recommendations:**

- All workers should have access to experts in occupational health and safety. As SME's often are without safety organization, the need for this is evident.
- Multidisciplinary occupational health services(OHS)shall be available for all branches. As SME's normally will have few resources to establish a competent and efficient internal service, external services is recommended. A compulsory system is necessary to give all workers equal possibilities of access.
- The right to consultation and participation of the workers can be implemented by giving the works council or other employee representation the right to consult the OHS.

- An OHS shall be certified by the labour inspection or another independent body. Qualifications and training shall be part of the certification. The certification must follow the principles in quality systems comparable to those laid down under ISO 9001.
- The OHS shall be manned with professionals with qualifications to analyse, assess and give advice according to the different needs in the branches. Prevention must be the first priority. Experts in occupational medicine, industrial hygiene, safety, work organisation, ergonomics and psychosocial factors must be part of the service provided. Furthermore counseling on welfare and reduction of sickness leave can be part of the service provided.
- The recruitment to the OHS must reflect the fact, that occupational hazards are multi-dimensional. The solutions must be oriented to the problems of changing attitudes to safety and health. A diagnostic-technical-medical approach is too limited an approach.
- The funding of OHS shall be made by the companies according to the number of employees. The establishment of a new OHS can be supported by government. Representation by employers and unions in the executive committees of OHS can stimulate cooperation with the social partners.
- OHS can also provide guidance and support in questions on handicapped workers and rehabilitation.

## **H. SYSTEMS OF EMPLOYEE PARTICIPATION IN RELATION TO SME'S.**

There are in the EU countries hundreds of thousands of representatives whose job it is to look after workers' health. Estimates are around a million with the accession of the latest new member states with strong traditions in occupational health. All EU countries have laws which specifically allocate rights to workers' representatives dealing with health and safety. However the status of representatives eligible for such rights tends to vary:

- Rights are limited to safety delegates or members of safety committees.
- Rights apply both to the above categories and to workers representatives on works councils.
- All appropriate rights apply to works council delegates.

It is useful to make a distinction between direct participation of workers, indirect participation via works councils or worker representatives and participation via trade unions. In an ideal situation risk-and workplace-assessment must be a fully participatory affair. In principle workers participation is a prerequisite for effective workplace assessments.

Furthermore worker health and safety training is a central issue. As mandated by law and labour inspection, training is part of an employer's obligation to provide a healthy and safe workplace. If SHM systems are to function training is like petrol for the car. In the market economies employer's often try to shift the burden for worker training onto the worker as a

price for employment. They can request certificates as a pre-requisite for employment. Employer`s who assume their responsibility to provide training often seek the least expensive means for its delivery. Training of workers and/or workers representatives must be seen as an essential aspect of measures to empower workers to have jobs that support their lives rather than impair them. In the EU countries different systems can be found. Some are joint labor/management training, others are union-based training programs.

## **ILO Recommendations**

The rights of workers and/or workers representatives regarding health and safety can be found in the ILO Convention no. 155 and the following Recommendation no. 164 from 1981(51). It is here said that there shall be arrangements, so :

- That representatives of workers cooperate with the employer.
- That they are given adequate information on safety and health
- That they may consult their organizations about the information provided.
- That they are given appropriate training.
- They, and as the case be may be their organisations, are to be enabled to examine all aspects of health and safety associated with their work.
- That measures shall not involve any expenditure for the workers.

ILO recommends "if appropriate and necessary, the appointment of workers`safety dele-gates, workers safety and health committees and/or joint health and safety committees in which workers should have at least equal representation with employers` representatives".

ILO recommends a list of specific rights and duties of workers safety` delegates and committees should have. Just to mention a few:

- Be consulted when major new safety and health measures are envisaged and before they are carried out, and seek to obtain the support of the workers for such measures.
- Be consulted in planning alterations of work processes, work content or organisation of work, which may have safety and health implications for the workers.
- Have access to all parts of the workplace and be able to communicate with the workers on safety and health matters during working hours at the workplace.
- Be free to contact labour inspectors.
- Have recourse to specialists to advice on particular safety and health problems.

The ILO Convention makes no mention of the size of the enterprise or the activities to be covered by safety services.

## **EU Framework Directive**

The EU Framework Directive has in Article 10 and 11 measures on Worker Information and the Consultation and Participation of workers. It takes consideration of the different national laws and/or practices and are reflecting the ILO Convention from 1981. Regar-ding the question of size, the Framework Directive allows the countries to limit the legislative requiremens to larger establishments. It leaves it to the national systems to translate the idea

into appropriate local forms. This means the Framework Directive does not solve the problem with health and safety in the SME's. But it introduces the idea of workers' representatives with specific duties in health and safety. E.g. in Italy the transposition of the Framework directive is expected to mean that 150.000 new safety delegates being elected.

A British comparative study requested by the EU Commission (52) says: "Firstly, the requirements of the framework directive are restricted so they may not apply to smaller establishments, yet it is precisely these workplaces where worker involvement in health and safety is most lacking and where some form of stimulus and encouragement is needed. It appears that the source of such encouragement will not be the directive. The second concern is that the framework directive does little to encourage the development of the workplace institutions and procedures that are the basis of the operation of worker representation at the workplace.....Furthermore the directive does little to encourage a greater role for state enforcing agencies in the absence of workers' workplace representative organisation".

This comparative study on employee representation in five EU countries shows that there are limitations in worker representation through the existing legislation, that restricts the rights of workers representation. The most common is to limit the size of workplaces covered, thus excluding small workplaces. The study shows that it is the smaller workplaces that are most poorly served. The absence of legislative requirements in small workplaces is a significant factor in the absence of arrangements for worker involvement. But other factors are also mentioned: Workplace size, the presence and role of the institutions of worker representation and industrial relations factors. "A probable prerequisite for the development of participation in health and safety by workers and their representatives will be the presence of a culture that will support and encourage its development".

Furthermore sectoral differences can be found in the coverage. In France only 37 % of the establishments in retail distribution had safety committees compared to the metal and chemical industries with 94 %. The weakest development can be found in construction and agriculture, in Britain with 23 % and 11 % of employees covered by worker representation. The same picture is found in the private services sector, which is dominated by small enterprises.

In Britain the significance of workplace trade union organisation is manifest, and the appointing of safety representatives goes through the trade unions. Thus the regulations confer rights upon trade unionists and give employers duties in respect to trade union appointed safety representatives. But a problem arises with the non-unionised workplaces being excluded from the coverage of the legislation on worker representation. This is in contrast to other European countries like the Netherlands and France where unionists on works councils are used to negotiating for all workers.

The legislative coverage in Britain is aimed at supporting trade union rights, and there are no size restriction of workplace coverage. But safety representatives are mostly found in larger workplaces and are less frequent in smaller ones. A report(53) has shown that the number of workplaces in Britain with safety representatives is declining. In 1987 only 9 % of workplaces surveyed had a safety representative, compared with 17 % in 1979. Two-thirds of the safety representatives in the small firms were untrained. The report points to inadequate trade union organisation and employer support, and insufficient enforcement by the British Labour Inspection. As a remedy the report recommends that workers in non-

unionised workplaces should have the right to elect safety representatives. But this should not be used to justify interfering with union representation where it currently exists.

In other countries like France, Denmark and Sweden the emphasis is on employers duties to establish safety committees and upon the rights of the workforce to elect members to the safety committee. Furthermore in some countries safety delegates can also be elected in workplaces too small to have a safety committee.

The most recent comparative study on employee participation and training , an ETUC report(57), says that the wide range of arrangements reflects diverse industrial relations systems and trade union traditions. There are some common traits:

- The overwhelming majority of workers` safety and health representatives are trade union activists. This might seem evident in countries where their position is linked to an active workplace trade union. But it is also true in countries where representatives may be elected by non-unionized workers. They conclude that European workers see a very strong link between the fight for healthy working conditions and organized trade unions, including those countries where union influence has declined over the past decade.

### **Role of inspection**

The British study on five EU countries(52) concluded that where workplace institutions and procedures are weak, a greater role for the state agencies concerned with compliance might be anticipated. With the exception of France little evidence was found for an active enforcement attitude to ensuring compliance with statutory provisions on worker involvement in health and safety. This contrasts with the more active enforcement attitude of labour inspection in Denmark and Sweden. Here enforcement notices are made when the rights to representation and training are not met by the companies.

The legislative provisions on employee participation can be regarded as a product of a much wider legislative policies related to reforms of industrial relations and the activation of the trade unions in workplace matters. With the absence of active trade unionism in the SME`s the role of the labour inspectorates is thus accentuated.

### **Formal rights to inspect the workplace**

This formal right can be found in countries like France, Britain and Spain. As well as general formal inspections, inspections of accidents and diseases are also covered in some countries. This detailed provision is not found in the Framework directive. In some countries there are regulations specifically on the safety delegates right to be involved in the visits of the labour inspection. This is formulated in duties of the labour inspection to contact the safety delegate at inspection.

### **Regional or roving safety representatives.**

One of the problems with small enterprises is the lack of employee representation in the health and safety work. The employer is solely responsible and the work environment-standard can be dramatically different from enterprise to enterprise. As a way of supporting the safety

management work the idea of roving safety representatives has been tried in several countries. These efforts are also aiming to get workers more involved in safety. A few examples can be mentioned:

In the farming industry in Great Britain a project has started, where nine highly trained trade union safety representatives have started to work. Each representative covers work-places in a specified geographical area, rather than a single workplace. The scheme has been funded by the European Commission and The Transport and General Union, and will go national if successful. Dutch trade unionists are monitoring the scheme with a view for adopting it for their own farm safety programme.

In Sweden regional safety delegates can be appointed in case the worksite has no safety committee. This delegate can be appointed by the local branch of the trade union. But only if the branch union has a member employed at the worksite. Especially the high-risk construction sector has been active supporting this system. The safety representatives have three duties:

- To check risks to safety and health in small workplaces.
- To bring about regular and systematic work on health and safety in these workplaces.
- To activate the employees to demand and work actively with health and safety.
- But since the biggest problems are to be found in small firms, the RSO's time has been used almost exclusively to control duties.

In a project(54) it was found that systematic procedures could be developed to support regional safety representatives. Procedures to make it possible to propose systematic safety measures at an early stage in the building projects. The description of systematic procedures to support employee participation in the decision-making and risk-assessment was not difficult. It was found that it was not a matter of persuading workers to become safety-minded, but rather a matter of trying to create opportunities for workers themselves to develop safety competence and learn from their own experience, what constitutes the real safety issues of the construction sector. The project's main conclusion was, that the safety-mindedness of workers becomes a question of learning and opportunities for learning in non-formal settings rather than a question of persuasion and changing of worker's attitudes. It was important to create opportunities to learn rather than teach.

## **Training**

A significant factor assisting the worker representatives involvement in health and safety is sufficient training. The Framework directive article 12 says it is the employer's duties to provide health and safety training to workers and worker's representatives. It says also that it must not be at the workers' expense and must take place during working hours. But as the Framework directive only deals with training in general terms, the purposes of training must be clarified. There is an immense potential of training for changing working conditions, but also the many obstacles it must overcome. It is not just an instrument to make workers' representatives more effective, but can also play an significant role in building self-confidence to be able to act. Objectives include:

- To give delegates a basic knowledge of legislation to assert their rights.

- To enable delegates to systematize the knowledge of hazards in the production process and interact with technicians and other experts in the occupational health field.
- To support delegates in performing their duties (inquiries, consultation, negotiation, contacts with labour inspection and OHS).

Furthermore article 7 in the Framework directive says that the employer shall designate one or more workers to carry out activities related to the protection and prevention of occupational risks. The member states may define categories of undertakings where the employer himself take responsibility of these measures. The level of labour protection will to a high degree depend on the realization of this duty into concrete regulation. The level of SHM will depend on the competence of designated workers acting as safety personnel.

A solution to this can be found in training schemes that makes it obligatory for both management nominees and workers' representatives to have training.

A British study on five EU countries<sup>(52)</sup> concluded that training is generally under-provided in most countries. In some countries like Britain and Italy there have been a decline in training provisions. The UK labour inspection <sup>(55)</sup> has recognized that workplaces organized by trade unions are likely to raise health and safety issues and ensure higher standards. In UK there has been government funding of the union (TUC) health and safety education program for safety representatives. In UK it has been observed<sup>(56)</sup> that occupational health has deteriorated in the last 10 years with a decline in numbers of trade union safety representatives. Furthermore UK with about one million workplaces, most workplaces lack a full time or a qualified part time health and safety officer. Certainly this development must be considered negative if workers are to take an active attitude in risk-assessment and prevention.

Training of workers and workers representatives must be seen as part of an employer's obligation to provide a healthy and safe workplace. In the EU countries training can be divided into:

- Training at the workplace.
- Trade union based training programmes.
- Joint management/union training programmes.

Training workers can provide them with a greater understanding of hazards on the job and provide them with sufficient confidence to make complaints if solutions are not found. Training can be used as a forum to engage in dialogue about the conditions of their work and the strategies to choose to either improve or maintain those conditions. A central issue in training programs and courses is to develop qualifications so the trained workers can train their fellow-workers. Training of workers representatives is in this way a key factor that can lead to increased focus on health and safety. As a result of extensive training safety committee members are often seen by their fellow employees and by many managers as experts in health and safety. Technical expertise and "position power" provide a kind of objective basis for getting influence in all matters on health and safety in the companies. But in addition to these external factors, an internal characteristic is especially relevant: A feeling of empowerment. This is consistent with organizational psychology saying that in order to make changes in organizational settings, individuals must not only have some power base, but must also feel that they are capable of and have the right to take action and to intervene.



SME's with time-pressured employer's can certainly benefit from trained worker representatives. Studies show that the representatives role can change from being merely recipients of training to conducting training themselves, and to become partners in the design and change of the workplace.

Normally the safety delegates are entitled to participate in safety training at the employer's cost as well as compensation for duties carried out outside the hours of work or for participation in the meetings of the safety committee.

To support the education of employees working with obligations in safety and health, national curriculums have been developed. E.g. in Denmark a 32-hours is a training course obligatory for members of safety groups in most branches. This duty covers both designated supervisors and safety representatives elected by the workers. The education material is problem-centred and developed as part of a tripartite agreement to provide the best possible education with qualified and certified teachers. The courses are geared essentially to improve the working of the safety groups and to support their capacities to solve concrete problems at their workplaces.

In a comparative ETUC study(57) on training of workers' representatives in EU countries, it is concluded, that the older teacher-centred approach is on the way out. This approach which tends to focus on legislation, accident prevention and the technical issues of health and safety is still current amongst many participants working with labour protection. In the new approach trainers encourage the development of participants' listening and communication skills and take all partners experience to discussion. Since the aim is to solve problems at work, an open approach has been developed. The idea of workers as experts in their own health is using the general high interest in EU countries in workplace health promotion. The study mentions that this development corresponds to the need for a proactive response to the issues raised by the Framework directive and the obligation to make risk-assessments:

"Risk-assessment is, in one sense, a new concept that has only recently begun to feature in seminars, but the worker-experience approach illustrates that it is not really new, but merely what workers have always done. Techniques of risk mapping and using pictures to enable participants to identify parts of their bodies that are stressed or damaged by work and helping them to draw plan of their workplaces where they identify hazardous places, then collating this information as a group, helps to develop a worker-oriented risk assessment which also forms the focus for trade union preventive strategies".

With introduction of legislation on risk-assessment the need for a reformulation of training is evident. If employee participation is to become real, it must be supported by training schemes that not only acquaint workers' representatives with legislation and regulations, but also develops their expertise to solve problems.

## **Examples on employee participation from the EU countries**

### **Finland**

- To provide for consultation and participation of workers in safety and health, the principle of codetermination is used. The codetermination party on the employer side is the employer himself or the safety supervisor appointed by him. On the employee side the party is either the employees themselves or the safety delegate representing them. This right to elect among themselves a safety delegate is contained in the act of supervision of labour protection.
- At a workplace where there are at least 10 employees working regularly, the workers shall choose among themselves a safety delegate. At a workplace where there are the minimum of 20 employees a safety committee shall be established, unless there is an agreement on other form of cooperation. The safety committee is a body for safety cooperation, composed of the representatives of employers, workers and salaried employees, and its purpose is to improve the safety and health at the workplace.

### **The Netherlands**

- Employers and their employees must cooperate with each other in exercising responsibility for safety, health and well-being within the company or establishment.
- In Holland it is obligatory for companies over 35 workers to have a works council consisting of employees elected by the workforce. The works council can either perform the duties and tasks on occupational safety herself or appoint a special committee on safety and health and delegate responsibilities to this committee.
- This safety and health committee shall consist of elected workers. If the company or establishment is made up of departments, the workers in each department shall elect representatives to the committee.
- In connection with this task, the members of the works council and health and safety committees have the right to
  - All information needed for their job.
  - Schooling and training for this job.
  - The opportunity to accompany the labour inspectorate during their visit to the company.
  - The right to consult the labour inspectorate without others being present.
  - The right to involve expert organisations as the "Arbodienst".
  - Members are protected against dismissal (only after consent from a court-decision)
- The law mentions the possibility of electing a committee in companies without a works-council. This legal provision is under discussion in proposals to simplify health and safety legislation.

### **Great Britain**

- Safety representatives in UK are trade union appointed representatives of the workforce.
- They have rights to inspect workplaces.

- Shall be consulted by employers on health and safety matters.
- Get time off work and training to carry out these health and safety tasks.

Joint safety committees can be established if two or more safety representatives call for this. Non-unionized workers cannot be appointed safety representatives under these regulations from 1977.

## **France**

Committees for health and safety(CHSCT) must be established in all workplaces with more than 50 employees. Besides rights to participation, information, consultation and control, the committee has also the right to take strong initiatives or alarm(droit d'alerte). Where employer and employees cannot agree on the evaluation of risks, the employer is obliged to call the labour inspection to decide.

## **Italy**

In Italy the most important workplace organisation in health and safety has been the works council. They have no rights in the field of health and safety under national law, but with the great role of collective work agreements including health and safety, they play an important role.

## **Ireland**

- Employees may select and appoint from amongst their number at their place of work a representative to represent them in consultations with their employer.
- The safety representative may investigate accidents and dangerous occurrences, hazards and complaints make representations to the employer and the inspection(Article 13 in the law)

## **Sweden**

- At every worksite where five or more persons are regularly employed, one or more employees shall be appointed as safety delegates.
- Safety delegates shall be appointed by local trade union organization currently or customarily having a collective agreement with the employer. In the absence of such an organization, safety delegates shall be appointed by the employees.
- Safety committees shall be established at worksites where fifty or more persons are regularly employed. Safety committees shall also be appointed at worksites with smaller numbers of employees if the employees so require. Safety committees shall participate in the planning of work environment, maintain close observation of all questions relating to labour protection.

- A safety delegate must not be given inferior working conditions by reason of his appointment. On the termination he shall be assured identical or equivalent working conditions.
- If there is doubt concerning the number of safety delegates which should be appointed, the employer and the labour inspection should be consulted before elections are held.
- Students can appoint student safety delegates. This does not apply to pupils below grade 7 of compulsory school.

## **Denmark**

In Denmark it is considered of vital importance that there is a close cooperation between management and employees in the performance of safety and health activities. The core of the internal safety organisation is the safety group, which comprises the foreman/supervisor and the employees' safety representative. As a general principle, safety groups must be established for each department, but several departments may also elect a joint safety group.

- At every worksite where 10 or more persons are regularly employed, one or more employees shall be elected as safety delegates. The employer shall himself or through an appointed person join the safety delegate and establish a safety group.
- At construction sites the number is 5 or more persons employed.
- With 20 or more employees a safety committee shall be established.

At worksites with administrative work, the safety and health work shall first be organized from 20 employees or more. From 20 persons employed, a safety committee must be established.

Training in safety activities is obligatory to all members of the safety group or safety committee, and the person responsible for day-to-day safety activities. According to the legislation newly elected members of the safety group shall participate in a special safety training course. The course is usually of 32 hours duration. Remarkable is that the supervisors/foremen also are obliged to have this training.

## **Conclusion:**

The right to elect safety representatives must be regarded as essential when both ILO conventions and the Framework Directive is considered. The low level of union membership in some branches must not block the right of workers to participation and consultation. Thus the models of safety organisation where all workers have a right to elect safety representatives must be regarded as central. The unions right to elect their own representatives doesn't have to interfere with this principle. The training of safety representatives offered by unions are a significant factor in improving SHM. But government support is needed if sectors with low level of unionizing shall be covered

The presence of recognised institutions of worker representation at workplace level supports the overall health and safety situation. Ways of developing and supporting such joint management/worker committees are important in raising the general level of worker protection. This can also be done through tripartite and bipartite activities supporting collective agreements in both private and public sectors.

Education and training of the elected and appointed members of the safety organisations must be organized under the supervision of the national labour inspection and tripartite bodies. Lack of training will be a great hindrance to the development of effective SHM systems in all sectors, with the SME's at special risk.

## **Recommendations:**

### **Right to participation**

- The question of a more comprehensive workplace coverage needs to be addressed, when the majority of employees work in SME's without formal rights to employee representation.
- The legislative provisions on worker representation and participation must be detailed as opposed to general and superficial obligations.
- The workers must have the right to elect amongst themselves safety delegates. This right must be extensive to cover the SME's, where experience and research shows that occupational risks are most serious.
- Implementation is often weak in SME's and attention needs to be paid to methods of improving this situation.
- Joint safety committees or groups in SME's must actively involve supervisors and foremen.
- The provisions must contain regulations on the rights of the safety delegates to supervise and inspect the working place
- The labour inspection must take an active attitude to ensure compliance with legislation concerning workers' representation, participation and training.

### **Rights to training**

- Training of workers' and safety representatives in health and safety must be given high priority. A national curriculum supervised by the labour inspectorate must provide courses to all newly elected representatives. The courses shall be obligatory and the costs be paid by the companies. The teachers must have certified courses.
- If safety and health is to be integrated in the management system of the companies, the appointment of responsible foremen and mid-level managers with sufficient responsibility and training is central. They must be recommended to join the same courses as newly

elected safety-representatives to support a positive climate of cooperation in joint management/worker safety committees.

- Trade union training programs in health and safety must be supported
- The involvement of top management in safety and health must be encouraged. This can be done by defining the more precise obligations of management in relation to workers participation in workplace-assessment and the drawing of action plans.

## **I. REGULATIONS CONCERNING RIGHTS IN CASE OF IMMINENT DANGER.**

The Framework Directive Article 8 on First Aid, fire-fighting and evacuation of workers and serious and imminent danger contains regulations that to a higher or lower degree already existed in the EU member countries. But the implementation has been used to modernize the regulations in areas like safe evacuation, fire-fighting equipment ,emer-gency routes,lightning and alarms and evacuation plans.

Of special importance is the obligation of employers to inform workers who are, or may be, exposed to serious or imminent danger. And the rights of workers in these situations to act in behalf of their safety and health. In article 8, subsection 3 -5 the duties of em-ployers and the rights of workers are described. This has been implemented in diffe-rent ways. Some countries has decided that existing regulations already covers the article while others already had regulations fullfilling the obligation.

### **Examples from EU countries**

#### **Sweden**

- An employee finding that work entails an immediate and serious danger to life and health shall immediately notify the employer or a safety delegate. The employee cannot be held liable for any damage resulting from his non-performance of work pending instructions regarding its resumption.
- If a particular job involves immediate and serious danger to the life and health of an employee and if no immediate remedy can be obtained through representations to the employer, the safety delegate may order the suspension of work on that job pending a decision by the labour inspectorate(Chapter 6, section 7)
- If a prohibition issued by a supervisory authority is disregarded, a safety delegate may immediately suspend the work to which the prohibition refers.
- The safety delegate cannot be held liable for any damage resulting from these measures.

The formal right to suspend work is not used very often in Sweden according to the Swedish labour Inspection, but the possibility seems to have a preventive value. Furthermore it gives the safety delegates more status in the organization supporting the control of non-compliance of labour inspection enforcements

### **Finland**

The act on the supervision of labour protection provides the safety delegate with the right on certain conditions to interrupt work which causes an immediate and serious danger to the life or health of the workers he represents. In addition the worker has the right to refuse such work which causes a serious danger to his or other workers life or health.

### **Ireland**

The Irish Safety, Health and Welfare at Work Regulations from 1993, implementing the Framework Directive must

- Ensure that any employees who, in the event of serious, imminent and unavoidable danger, leave a place of work are not placed at any disadvantage in relation to their employment because of such action.

### **Recommendations:**

- Non-performance of work must be a right in situations of serious and imminent danger.
- The safety delegates may in these situations, when no immediate remedy can be obtained through representations to the employer, order the suspension of work pending a decision by the labour inspectorate.

## **4. A MODEL FOR INTRODUCTION OF BEST EU PRACTICES REGARDING SHM SYSTEMS SUITED TO THE POLISH SITUATION.**

The conclusion reached in this study will be that a whole range of methods must be used to change a negative situation to a positive development in the safety and health situation in SME's. This is also in agreement with the ILO study from 1993 made by the trilateral mission to Poland evaluating the Polish Labour Inspection. The following model is a summary of the findings on best Safety and Health Management(SHM) systems. But to implement these SHM systems it must be part of a dynamic action programme. Further-more it is recommended to integrate the different inspections systems.

## **A. An action programme model**

The specific Polish situation with the establishment of many SME's and a low level of "safety culture" is a great challenge to the Polish Labour Inspection. Objectives to be met are:

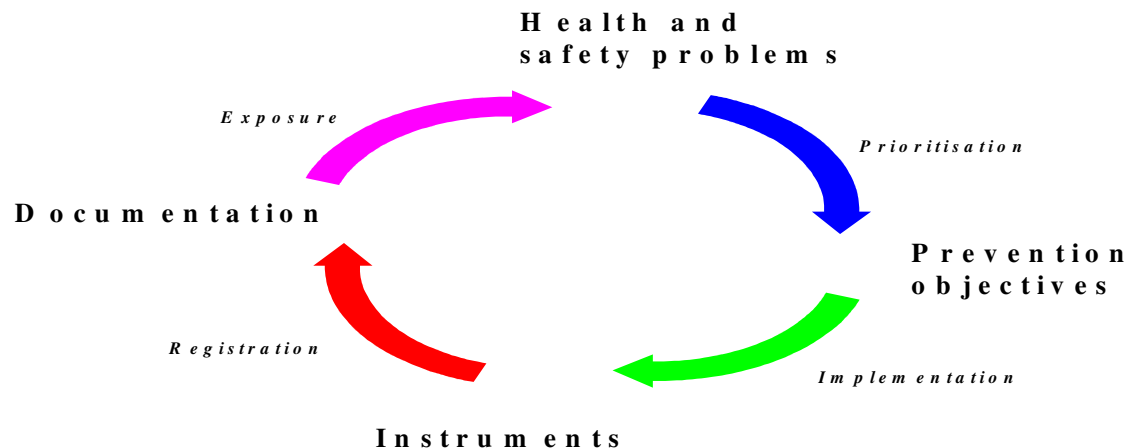
- A great number of new SME's.
- Serious risks to workers' health and safety.
- Labour inspection duties more difficult, time-consuming and of little effectiveness.
- Difficulties with giving technical advice on hazards.
- No practice on organizing SHM systems in SME's.
- Low degree of unionizing in private sector.

This challenge must be met with a whole range of actions. We must recommend the Polish Labour Inspection as a public authority to draft an action programme based on the following development concept:

1. With the existing documentation and knowledge it is possible to predict the health and safety problems in the coming years.
2. On the basis of priorities a number of prevention objectives must be set up. This can include both branch-specific and inter-branch prevention activities.
3. The objectives must be achieved by the use of a wide range of traditional and new instruments.
4. A systematic registration of the effects of prevention must use all known health and safety indicators.
5. If the action programme is formulated for e.g. a 5-year period, it must be a dynamic model to adapt to the rapid changes in the labour markets.
6. The Polish Labour Inspection must make safety and health a public issue and get support from government for the action programme. It must be elevated to be a high-priority policy area for the sake of the health and safety of the individual, the economic health of trade and industry and society in general.
7. It is not simply a question of eliminating some unacceptable work environment risks. It is also a question of the direction the Polish society wish to take in the future regarding the workplaces, production and society. Shall Polish production and public service be based on the best knowledge about creating good workplaces?



An action programme can be illustrated as a **PREVENTION CIRCLE**



## B. Summary of SHM model.

Good safety and health management must be based on good legislation that is concrete and detailed to support effective prevention policies in all establishments. The model presented is not based on a minimum-level principle, but is based on "best EU practices" regarding labour prevention in SME`s. The analysis has been presented in the preceding chapters, and the full model is summarized here.

### 1. Integration of inspection systems.

To maximize the prevention efforts in the area of occupational health and safety all existing institutions working in the field must cooperate. The employers in SME`s must not be confronted with confusing and contradictory information. Only in this way can the labour inspection make effective intervention in branches and companies where serious risks to health and safety have been documented. See the case on integration of inspection systems in chapter 10.

#### Recommendation:

-All inspections systems on labour prevention must be integrated in one organization.

### 2. Differentiated inspection

The first step towards a more systematic and effective approach must be to divide the SME`s into small(less than 10 employees), medium-sized(between 10 and 49 employees) and medium-sized/large enterprises(more than 50 employees).

#### Recommendation:

Special package solutions must be developed for each category regarding systems of SHM and use of occupational health services.

### **3. Tripartite and bipartite structures to support worker protection.**

#### **Recommendations:**

-Studies on the construction sector shows the importance of active tripartism in the prevention and control of occupational hazards. Death-rates are lower in countries where the labour inspection is supported by active social partners.

-Cooperation with the social partners is not changing the role of the labour inspection, but can support primary prevention by changing attitudes and develop a better safety culture in the enterprises.

-In the production of new knowledge and formulation of new regulations the active engagement of the labour unions plays a decisive role. Unions are organized across companies and regions and have great potentialities in active information work and changing workers attitudes to health and safety.

-If tripartism and bipartism are to be effective the efforts must be branch-oriented. The preventive work can be connected to:

Surveys of problems associated with the special working conditions in the specific sector.

Assistance to government efforts in labour prevention.

Participation in the drafting of branch-specific regulations.

Drafting guidelines on good practice , e.g. risk-assessment, in cooperation with the national labour inspection.

-Temporary and irregular work must be a serious concern in the overall inspection work.

### **4. Employers` obligations according to legislation.**

#### **Recommendations:**

-The employers obligations must be transformed into concrete and detailed duties regarding systems of safety and management.

-It must be systems that can be controlled and monitored both at enterprise level and by the

labour inspectorates. To be effective at enterprise level, safety and management systems must be reflected in concrete legislative measures like:

- Systems of employee participation and training.
- Systems of risk-assessment.
- Systems of expert assistance(occupational health services).
  
- The principles of prevention should be included as the employers main obligation. The question of work organisation and job content should be included in the law.
  
- The health and safety legislation should be extended to cover all forms of activities that can be harmful to the health and safety of persons working. As examples can be mentioned the self-employed and in certain respects persons undergoing education, inmates performing work and conscripts in peacetime.
  
- Pupils and students should have the right to elect student safety delegates. By giving them duties and responsibilities their experience can help to raise the general level of labour protection in the future with their entry to the labour market.
  
- Duties to organize jobmodification and rehabilitation schemes should be included.

## **5. Environmental and quality management systems in relation to safety and health.**

### **Recommendations:**

- Labour protection, environmental protection, quality control and innovation can all benefit from a closer coordination and integration of monitoring quality systems.
  
- The national labour inspection must take a progressive role in advising and informing on the general benefits of this integration.
  
- The effort must be directed at changing the value-systems of employers and workers to a more responsible attitude to occupational health and environmental issues.
  
- SME`s can benefit from using the methods from the environmental standards(ISO 14000, BS 7750 and EMAS) without necessarily being certified. They can benefit from the dynamic and systematic way of thinking that is part of these standards.
  
- The result can be organizational synergy supporting the innovative process and give the company a leading position in both labour and environmental protection.

-Labour inspection must support "green accounts" integrating environment and occupational health. The publishing of open green accounts can be an important parameter in a changing marketplace, where environmental responsibility and stricter environmental legislation is getting more important.

-To obtain the full value of this coordination, the participation and consultation of the workers and/or workers representatives is indispensable.

-Especially the medium-sized companies have resources to join such programmes. With external advice and support they can become models that can stimulate the smaller companies to take up the same road.

## **6. Economic incentive systems-safety and health budgets.**

### **Recommendations:**

-An evaluation of the risks in companies and branches must be based on a broad risk-assessment, not just accident-statistics.

-To stimulate the use of economic incentive schemes, the labour inspection and the government must publish statistics on the actual social costs of production and public service. In Scandinavia the labour inspectorates has developed methods which can be of inspiration to other countries(19)

-All employers should be obliged to have a policy on sickness absence and must enlist a certified external or internal safety, health and welfare service(OHS). Part of this counselling must be counselling of staff who are sick.

-Companies should be compelled to publish their safety and health record in their annual reports.

-Join the European Forum to exchange views and ideas on incentive schemes. With the aim of facilitating such efforts the Dublin Institute has established such a Forum.

## **7. Help to SME`s by means of advisory,consulting and training activities.**

### **Recommendations:**

-Funding of health and safety in SME`s can be made through support of development projects in occupational health and work organization. The economic funding can be from government and/or insurance funds.

-As a precondition for getting funds, the SME`s must be obliged to accept publication of the project. In this way SME`s with an innovative attitude to labour prevention can be used

as models. The method of regulation by reputation and exemplary learning can be stimulated.

-Catalogues of good examples can be published with government support. Branch-related catalogues can be made with support of the social partners.

-The accessibility of inexpensive expert advisory services to SME`s is fundamental.

## **8. Risk-assessment systems**

### **Recommendations**

-Risk-assessment must be required by legislation.

-Make workplace-assessments, not just risk-assessments.

-The benefits outweighs the problems-all employers must be included.

-To get SME`s more interested , the benefits of workplace assessment must be communicated broadly. Workplace assessment must not only be a legislative matter.

-Labour inspection can " kick-start" the process.

-The labour inspectorate will see the risk assessment during an inspection. If inadequate it shall be revised within a time-limit.

-Campaigns supported by the government , the labour inspection and the social partners can raise the level of active participation in workplace assessment.

-The labour inspection must publish a list of elements a risk assessment must cover.

-Special guides must be published for very small or low risk employments.

-OHS must be available for all SME`s and give supervision in workplace-assessment.

-Occupational safety and health programmes are most strongly initiated when the company has a positive attitude.

-Employers working together at a single site must effectively coordinate their efforts to provide good working conditions, and record in writing how they intend to cooperate in this respect.

-Make sector or branch specific manuals with check-lists to help the SME`s. Involve the social partners in the branches and nationally in this effort and make them responsible.

-Especially medium-sized companies have resources to carry out preventive environmental activities, leading to improvements of the working conditions as well as the environment.

## **9. Systems of occupational health services/multidisciplinary services.**

### **Recommendations:**

-All workers should have access to experts in occupational health and safety. As SME`s often are without safety representatives , the need for this is evident.

-Multidisciplinary occupational health services(OHS)shall be available for all branches. As SME`s normally will have few resources to establish a competent and efficient internal service, external services is recommended. A compulsory system is necessary to give all

workers equal possibilities of access.

-The right to consultation and participation of the workers can be implemented by giving the works council or other employee representation the right to consult the OHS.

-An OHS shall be certified by the labour inspection or another independent body. Qualifications and training shall be part of the certification. The certification must follow the principles in quality systems comparable to those laid down under ISO 9001.

-The OHS shall be manned with professionals with qualifications to analyse, assess and give advice according to the different needs in the branches. Prevention must be the first priority. Experts in occupational medicine, industrial hygiene, safety, work organisation, ergonomics and psychosocial factors must be part of the service provided. Furthermore counseling on welfare and reduction of sickness leave can be part of the service provided.

-The recruitment to the OHS must reflect the fact, that occupational hazards are multi-dimensional. The solutions must be oriented to the problems of changing attitudes to safety and health. A diagnostic-technical-medical approach is too limited an approach.

-The funding of OHS shall be made by the companies according to the number of employees. The establishment of a new OHS can be supported by government. Representation by employers and unions in the executive committees of OHS can stimulate cooperation with the social partners.

-OHS can also provide guidance and support in questions on handicapped workers and rehabilitation.

## **10. Systems of employee participation.**

### **Recommendations:**

#### **Right to participation**

-The question of a more comprehensive workplace coverage needs to be addressed, when the majority of employees work in SME's without formal rights to employee representation.

-The legislative provisions on worker representation and participation must be detailed as opposed to general and superficial obligations.

-The workers must have the right to elect amongst themselves safety delegates. This right must be extensive to cover the SME's, where experience and research shows occupational risks are most serious.

-Implementation is often weak in SME's and attention needs to be paid to methods of improving this situation.

-Joint safety committees or groups in SME's must actively involve supervisors and foremen.

-The provisions must contain regulations on the rights of the safety delegates to supervise and inspect the working place

-The labour inspection must take an active attitude to ensure compliance with legislation concerning worker representation and training.

### **Rights to training**

-Training of workplace and safety representatives in health and safety must be given high priority. A national curriculum supervised by the labour inspectorate must provide courses to all newly elected representatives. The courses shall be obligatory and the costs be paid by the companies. The teachers must have certified courses.

-If safety and health is to be integrated in the management system of the companies, the appointment of responsible foremen and mid-level managers with sufficient responsibility and training is central. They must be recommended to join the same courses as newly elected safety-representatives to support a positive climate of cooperation in joint management/worker safety committees.

-Trade union training programs in health and safety must be supported

-The involvement of top management in safety and health must be encouraged. This can be done by defining the more precise obligations of management in relation to workers participation in workplace-assessment and the drawing of action plans.

## **11. Imminent danger:**

### **Recommendations:**

-Non-performance of work must be a right in situations of serious and imminent danger.

-The safety delegates may in these situations, when no immediate remedy can be obtained through representations to the employer, order the suspension of work pending a decision by the labour inspectorate.

## **5. TRAINING FOR THE STAFF OF LABOUR INSPECTORS**

The competence and qualifications of labour inspectors is a central issue in the organisation of the national labour inspectorate. An essential objective is to ensure uniformity in the

application of labour legislation throughout the national territory. The central authority must provide inspectors with documentation and specialized support, and inspectors must be obliged to keep the inspectorate informed about their activities and findings. Through the inspectors work, the central authority is in a privileged position to keep the government informed about the actual health and safety conditions. Thus great importance must be attached to the competence and qualifications of inspection staff.

New threats to workers' health resulting from changes in the nature and organization of work must be analyzed. More proactive work methods in the labour inspection have to be developed and introduced. With legislation on risk-or workplace-assessment that covers all risks to safety and health, there is need for a broader concept of labour prevention. The concept of accident prevention is too limited and must be expanded with knowledge and action in general workplace health promotion.

The demands on the labour inspection staff are enormous. The consciousness about this is reflected in the declaration from "The International Conference on Development of Integrated Labour Inspection in Central and Eastern European Countries and Harmonisation of Laws with EU legislation", sept. 1996 in Slovakia(58):

1. To proceed at the development of labour inspection so that it be in harmony with ILO Conventions and Recommendations No. 81 and No. 129 with the aim of integrating all functions of labour inspection.
2. To focus the training of inspectors on all functions of integrated labour inspection and to make use of the experiences of individual countries in this respect. To create a system of continous improvement of inspectors.
3. With the assistance of the social partners to mobilize political will with the aim of supporting legislative transposition of ILO Conventions and Recommendations No. 81 and No. 129 into labour inspection law.

On the question of inspection staff and their qualifications, the ILO Convention No. 81 says:

- It must be ensured that duly qualified technical experts in such fields as medicine, engineering, electricity and chemistry are associated with the work of the inspectorate for the purpose of enforcing legislation and investigating the effects of processes, materials and methods on the health and safety of workers.
- The means available to the inspectorate number of inspectors and the material resources at their disposal are to be determined with due regard.....to the nature and complexity of the legal proceedings to be enforced.

In a "Guide for Labour Inspectors"(59) ILO has elaborated more on this question of qualification and training of inspectors. The main conclusions are:

- The personal qualifications of labour inspectors have a direct effect on the prestige of the service with employers, workers and the general public.
- The inspector should have a knowledge of social and economic questions in general.



- The inspector have to deal with all sorts and conditions of people, and should be able to speak to them at their own level and in their own "language".
- The inspector must be technically qualified by experience and training for his work, but no precise rules can be laid down since it is evident, that it will depend on their particular responsibilities.
- The basic and essential qualification for inspectors is that they must have skills commensurate with their duties and a knowledge of the technology of the different branches they deal with.

The conclusion is that training must be seen in relation to the qualifications demanded by the labour inspection. These cannot be separated and a model on training must therefore address the actual needs of the inspectors according to the prevention objectives set forward by the central authority. Thus a range of qualifications that are non-technical are highly evaluated and must therefore be considered.

### **The quality of the job and learning opportunities**

The quality of work for labour inspectors is important for their learning and professional development. The knowledge on good safety and health management practices must also be used on the labour inspectorates as workplaces for inspectors. Their work can be described in terms of:

- Presence of stress-risks and learning opportunities.
- The structure of division of work that constitutes these risks.

Modern stress-theory(60) says that the quality of work improves when there are less risks of stress and more opportunities for learning. The quality of work is related to the design of jobs as it is structured in the division of labor. Risks for the well-being of labour inspectors can come from:

- Risks of mental overload as a result of the contents of the work.
- The opportunities offered to inspectors to enable them to learn and develop through working. Inspectors must be given the opportunity to develop their talents during work.

Opportunities for learning and development in the work situation can be related to the following three groups of skills:

- Occupational skills.
- Organizing skills.
- Communicative skills.

Labour inspectors work contains a great deal of autonomy, but if labour inspectors are to be effective and attain a high level of competence, opportunities for learning are central. Inspectors are normally recruited on the basis of certain occupational skills, but the duties of labor inspectors will inevitably present many and new unfamiliar problems. Thus the organizing and communicative skills are very important, as well as a continuous training related to the changing organization of work and new technologies in the enterprises.

## **Qualifications of inspectors at the field labour inspectorates.**

The importance of qualified professionals in the labour inspection has been documented by the research by Bitsch Olsen (61) on different regulation systems. The comparative material supplied by the Senior Labour Inspectors Committee(SLIC) describes very different traditions in the EU countries(20). The recruitment are in some countries organized through national and centralized competitions. Other countries have a more decentralized recruitment according to the concrete needs of the district. Relevant considerations can be the need to have a certain range of professionals represented in the inspection teams, needs of people with practical-technical knowledge and considerations of a better representation of women inspectors reflecting the labour market.

With a broader conception of working environment including the organization of work and well-being of the workers, the need for new qualifications and new types of professionals has been evident. To support and undertake workplace-assessment of all risks, the per-sonnel employed with inspection tasks must reflect the scientific disciplines in the occu-pational health field.

The planning of proactive inspection will become more important and demand new qualifications and competencies in the districts. There is a greater need for flexibility and the work organization must fit to the new demands. The most flexible work organization is a flat organization with only one level based on qualifications and not on seniority. If project-oriented work methods are to be used, such an organization will be more favourable in establishing a climate of cooperation and development.

As an example the Danish Labour Inspectorate is recruiting a broad spectrum of professions to the inspection work. This includes physicians, academic and technical engineers, crafts-men, ergonomists, nurses and psychologists. It is a team composed of people with very different backgrounds stretching from university degrees to workers educated in a craft (electrician, carpenter and machinists). The small districts have fewer occupational cate-gories than the larger districts. There is only one level of inspectors. Joint visits may be made to the workplaces where this is thought to be appropriate.

Experiences from several european countries (Finland, Luxembourg and Denmark) has produced good results with the recruitment of craftsmen with practical experience from industry and construction. In Denmark craftsmen were recruited in a concerted effort to fight the high death rates in construction.

Through contracts with the central labour inspection authority, the districts can document their proactive inspection plans with regard to SME`s. Positive and exemplary experiences about inspection of SME`s can be communicated nationally .

## **Training needs for labour inspectors.**

Training needs must be assessed both at district-level and centrally in the labour inspec-torates. Courses in subjects like ergonomics, hazardous materials and psycho-social factors can be organized in relation to the training needs of the inspectors. Also courses in new legislation and inspection-methods can be arranged. At district and national level meetings on

branch-related problems can be used as a method to integrate training and learning needs with the general prevention objectives. Furthermore training opportunities can be afforded through exchange systems in the EU. In Sweden it is reported that established inspectors spend on average 10 % of their time on updating their knowledge and inspection skills(62).

Special training opportunities can be:

- In conjunction with major national campaigns, specialised training courses of several days duration are organized for the involved inspectors and administrative staff. This can also be training in new computer systems within the organization.
- One day meetings where special sector problems are discussed. The initiative can come from all levels, and can be used in the development of inspection policies at both national, regional and district level. Internal/external experts may be invited.
- Districts are provided with their own training budget to provide for individual training. This can be attendance to courses outside the labour inspection system.

### **The demands today on training.**

With the growing demand on the labour inspection to develop an integrative inspection which covers all risks to safety, health and well-being, training programs must be re-formulated. Furthermore inspection of non-industry sectors like the public social and health sector has documented the need for new types of professions recruited to the labour inspection. At the same time there is a need to stimulate cooperation and learning in the inspection teams. The complexity of the inspection tasks are today so great, that cooperation is indispensable. Inspection of safety and health management(SHM) systems like risk-assessment, employee participation and occupational health services is a complex task. Thus in the Netherlands, such inspections are carried out by three labour inspectors who have been specially trained for the purpose and who are also specialists in industrial medicine, safety and in organisation and management(63).

To develop the labour inspection from being narrowly technically accident-oriented can be difficult and foster resistance because of traditions and lack of professionalism.

### **Top-down and bottom-up.**

In labour inspection different forms of regulation are used and Bitsch Olsen(61) has tried to understand why and how companies choose to comply with norms demanded. Furthermore this study differentiates between two different types of inspection, top-down and bottom-up.

Top-down regulation is the case when there is a centralized evaluation of health risks. Risks that are limited to specific risk situations where the central administration has demanded stricter regulations. The inspectors in the district acts according to this and treats each case as an example of this risk. Inspection is built on norms and standards centrally formulated. This is an approach which is primarily generalist.

Bottom-up is more concrete and analyzes each risk-situation as unique. It is the actual hazards that is evaluated, and the inspection does not restrict itself to risk situations where norms and standards exists. This approach is built on one of the most important abilities of the inspectorate: The ability of highly trained personnel to describe the safety and health problems in the workplaces. Often inspectors also take some part in the development of solutions and carry out some advisory functions in order to aid in the process of compliance. This is an approach which is primarily specialist.

Both forms of regulations can be found in the EU countries, and Bitsch Olsen(61) says: "Administrations having an active bottom-up tradition should be expected to rapidly adapt the EEC commission`s directives and national rules into practical regulation, while a top-down administration or a less qualified inspectorate will have to delay its inspection until a central body has carried out a general description of the risk situations. Also, the bottom-up method will be more precise in adjusting rules to technical/organizational solutions".

### **Project development**

A purely legislatively approach cannot alone combat the problems with safety and health in SME`s. Existing laws can be limited in coverage due to different causes. It is therefore important to ensure that legislation is complemented by other reinforcing and complementary measures. In labour protection it is important to develop policies, programmes and projects.

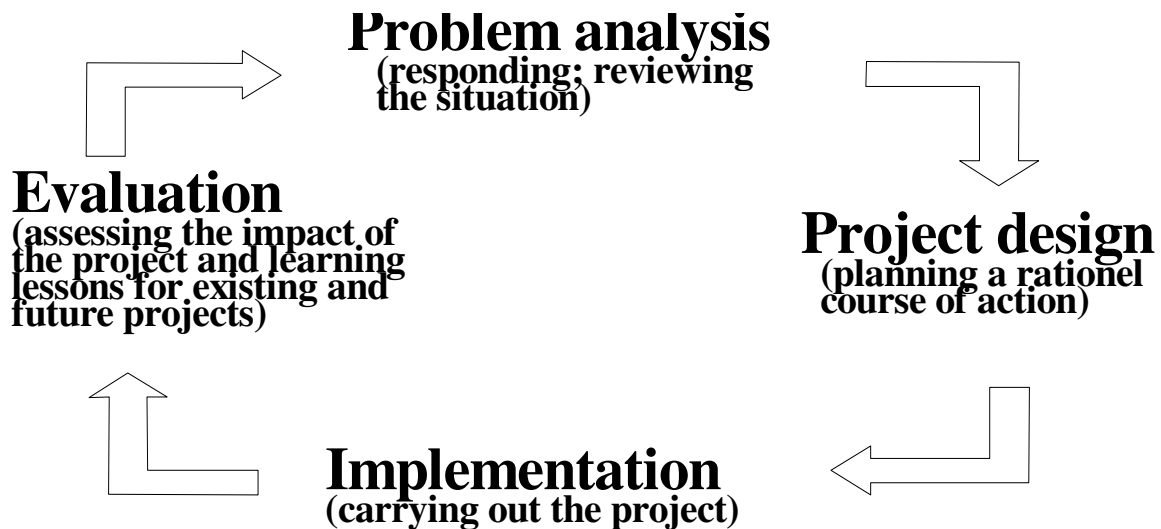
Policies in labour protection are public commitments to work towards the elimination of hazards to the workers safety and health. And setting out objectives and priorities, coupled with the resource provision to ensure implementation. The first and foremost priority should be the identification of the hazards in the branches. But policies are only the first step. They have to be implemented through programmes. In labour inspection it can be interventions in areas like:

- Education and training
- Advocacy and public awareness raising
- Regulation and enforcement.

Projects can be called the building blocks of programmes(65,66,67,68). They are more limited in scope and time. A project may often work with one target group, in a particular sector, using one or a limited range of interventions, over a shorter period. Project development can be described as a cyclical process(see figure), that has four essential phases:

- Defining and understanding the problem.
- Planning a course of action.
- Implementing the course of action.
- Evaluating the effect and impact.

From a good project design there can emerge lessons that help to improve existing projects and formulate more effective projects in the future.



Projects can be useful in organizing both regional and national programmes or campaigns in labour protection. They can support effective inspection policies at community level in the regions and reflect the different branch-structure of the regions. And they can be organized as national projects on specific hazardous risks. They can provide learning and training of labour inspectors and support "bottom-up" inspection methods. Projects alone cannot solve the problems of occupational health and safety. But they can be a good starting point, drawing on all existing resources and developing cooperative relations to the social partners and the community. Successful projects in labour protection are projects, that can go on after external assistance has been withdrawn. It is not the projects which should be sustained-but their achievements. Thus it must be recommended that labour inspectors are trained in the methods of project development.

#### **An example of a training program.**

In Denmark all established inspectors have gone through an education program. In 1994 a programme was started with the goal of a higher level of generalist competence of all inspectors. All inspectors are specialists in some areas, but to stimulate the general knowledge of all risk factors, the education programme was directed to the areas, where inspectors were not specialized. The expected positive gains were:

- Qualifications in evaluating all relevant work environment problems at a general level. Through greater competence this raises the chances that the inspectors can stimulate the establishments to a more positive attitude to safety and health.
- Greater variation in the job content of the inspectors.
- Greater expert-knowledge and better conditions to cooperate with other active partners in occupational health.

- The districts gets a more flexible work organization with better possibilities in the planning and execution of the tasks.
- The rate of occupational accidents and diseases will in the long run fall caused by the higher competencies of the labour inspection.
- The goal of this generalist training is to train the inspectors to:
- Be able to identify risks to safety and health and evaluate the level of risk in all important areas of occupational health.
- Make enforcements and advice in all important areas of occupational health.

When inspectors are unable to fulfill this, inspectors are expected to make joint inspections with specialist colleagues. For these specialist inspectors this secondary role is only part of their work.

### **Training in enforcement skills**

Inspecting SME's where employers can be resistant to legislation and enforcement is a special problem for the inspectors. Methods to make inspection of SME's effective is not enough, but must be supplemented with training in enforcement skills. Furthermore inspection of SHM systems has put greater demands on the competence of the inspectors. In the Netherlands(63) learning of behavioral skills have become part of the basic training program for inspectors and covers:

- Enforcement styles, including familiarisation with and training in specific persuasive and conversational techniques(providing encouragement, stimulating self-help, negotiating etc.)
- Various roles of the labour inspector.
- Dealing with resistance(non-cooperative behavior) and learning interview techniques.
- Investigative inquiries following accidents at work and skills relating to first appearance, hearing witnesses and victims etc.

In Sweden inspection of SHM systems(called internal control) has affected strategies of the labour inspectorate but also the way supervision is carried out by the individual inspector. The role of the inspector has changed from enforcement of legislation to enforcement of legislation in a pedagogical way(64). As companies develop SHM systems new inspection methods has to be developed. In Sweden it is called "systems inspection" and focuses on the organizational perspective. One of the methods consists of individual interviews with management representatives and safety delegates and can be announced in advance. The interviews give the inspectors a good chance to compare the answers from the managing director with the ones from the foremen and safety delegates.

This has meant training in new areas like communication, interview technique and organizational aspects of companies. Also investigation of serious accidents has seen changes involving a organizational perspective looking for the underlying causes in the SHM system or lack of such a system.

But when it comes to small companies the Swedish Labour Inspection still relies on ordinary inspection. But the learning of enforcement skills is central for all types of inspection.

## 6. MODEL FOR TRAINING OF LABOUR INSPECTORS

### Recommendations:

#### **Learning and training.**

- Finding a balance between specialist and generalist inspection with a continuous updating of the level of generalist inspection.
- Training in enforcement skills when intervening on duties relating to enforcement (inspection and investigation) and stimulation of self-help(advice and influence).
- Develop the labour inspection to be a continuous learning organization with a supportive infrastructure of communication.
- Learning systematic inspection methods. That means learning to assess systems of safety and health management(SHM). This includes systems of risk-assessment, employee participation and use of external services.
- Learning work methods in project development.
- Use bottom-up inspection methods, not only top-down methods.
- Learning and practicing cooperation in inspection-teams.
- Provide possibilities for professional communication across regional districts on all central issues of labour prevention. The use of computer networks can facilitate this.
- Knowledge on organizational and psycho-social factors and the role of different work organizations in creating a healthy work environment.

#### **Inspection staff**

- The districts must recruit a broad range of professionals not only from law, medicine and technical background, but also with qualifications in work organisation, ergonomics and psychology.
- Craftsmen can be recruited to get a balance between academic, technical and practical qualifications in the inspection teams.
- The decentralized recruitment seems to be the best way to create a more team-oriented inspection workforce with the relevant broad qualifications.
- The districts must document their proactive inspection plans with regard to SME`s.

## 7. ADDITIONAL FINDINGS ON RAISING THE GENERAL LEVEL OF SHM IN SME'S.

As mentioned by the ILO Tripartite mission to Poland, the labour inspection to be effective, must use supplementary forms of action. This chapter contains results of comparative research and some examples that reflects "best EU practices".

A special problem considered is which methods are most beneficial in getting employer's in SME's to comply with existing regulations. The inspection methods and instruments used are of principal importance if the labour inspection shall succeed to raise the level of compliance in the SME's. Furthermore existing documentation points to the need for developing a new model of occupational health, that integrates work and health in a new way. Occupational health has traditionally been concerned with the more tangible physical hazards of work and their effects on physical health. Research shows that physical, psychosocial and organizational hazards may threaten physical and psychological health. This means that a total organizational response to occupational health issues is required.

The scope of the problem is great, and complete solutions cannot be achieved in this project, but WES-Consult hopes it will stimulate further research in order to provide the SME's in Poland with advice, guidance and training. And stimulate the Polish Labour Inspection to establish closer cooperation with the labour inspectorates in the EU countries.

### **A. How to inspect SME's. Adapting inspection methods to the safety and health problems in SME's.**

Comparative research on different styles of labour inspection in 6 European countries(70) shows that work methods are of primary importance. There are great differences in company compliance to different profiles of inspection practice. The surprising result of this research has shown that strict regulation does not necessarily lead to higher costs, but that costs can be lower. In regulation of styrene it has been shown that an approach based on active inspection and enforcement can stimulate the innovative processes in the companies better than compared to a lower level of regulation.

Inspection can be an important help for the company to get problems identified and integrated in the management as part of an innovation process. Also indirect economic factors are important, that is maintaining a good reputation in relation to the press, the local community and the market. The regulatory process is an interaction between many agents and the indirect sanctions tied to the company's reputation and relation to the labor market must not be underestimated.

When the labor inspector presents management with a well-defined problem, the manager recognizes that attention must be accorded to this. Informal advice without legal content is



more imprecise and ambiguous. It gives no clear direction to management in relation to select suitable solutions. And costs can even be greater.

This comparative research shows:

### **Recommendations:**

- The best way of improving work environment is to use forms of regulation based on prestige based on the management interests of the company.
- The best way to strengthen the innovative process is to combine normative regular inspection with qualified professionalism.
- Competent local administration which contains highly trained personnel and the range of specialists needed for effective analysis.
- Specialist qualifications of inspectors are needed to make problem-specification that can provide the company a competent input which might generate innovative response.
- Problem specification is rule-based, oriented towards problems, not primarily solutions.
- Problem specification describes risk-factors in the concrete situation and it is very precise in its formulation.
- Lack of qualified professionals gives a lower degree of compliance, as inspection will be based on standards more than concrete problem-identification.
- Inspection of this type-efficient and innovative-is particularly relevant when the problem involves a costly solution and when the company is unable to identify the problem itself.
- A consensus-seeking inspector will have little chance of executing competent problem specification when faced with a resistant manager.
- Both the company and the work environment stand to gain from the detailed professional inspection process.

### **B. Proactive and reactive inspection.**

Experience shows that SME`s are not using the labour inspection and other health and safety agencies as much as bigger establishments. Reactive inspection caused by complaints and requests for advice will consequently have a tendency to be directed towards the bigger establishments more conscious of the services provided by the labour inspectorates. Also SME`s have a lower rate of accident and disease reporting not related to the actual risks.

Effective inspection of SME`s must be planned as proactive inspection. Through concrete analysis of the occupational hazards in the different branches the labour inspection will be able to direct inspection more towards the SME`s. In the EU countries the question of developing more effective methods of inspection regarding the SME`s is a permanent issue. E.g. in the Swedish labour inspection plan for 1992-95(62) it is specifically mentioned, that inspection methods must be developed which covers all establishments in a sector without all the establishments being inspected. This is expected to be possible through focused enforcements regarding documented risk factors and in combination with information, systematic inspections and cooperation with other health and safety agencies.

The traditionally technically oriented inspection have favoured the big establishments and special sectors with manifest risks. The so-called "soft" branches has traditionally had a lower priority. With a systematic branch-oriented approach, these branches can get more benefit

from the labour inspection. This allows for a more systematic inspection covering all risks. The inspection personnel must be given special training in general inspection and courses in the specific risks in the branches.

### **Different approaches.**

Branch-orientation must be combined with more focused or risk-related campaigns. Re-search in occupational hazards produces new information on new risks which must be channeled out to the companies. New legislation also produces a need to inform broadly on the regulations and the best way to comply with the law.

Examples on campaign areas can be:

- Material Safety Sheets Campaigns- Right to know.
- Organic solvents -ventilation and substitution.
- Ergonomic problems-manual handling, lifting and repetitive strain injuries.
- Visual display units.
- Young people at work.

The different approaches in the planning of labour inspection can be used not as alternatives, but supplementing each other. They can be characterized this way:

### **Focused and risk-related approaches.**

- Covers only specified and well-documented risks.
- Not branch-specific approach.
- Can provide exemplary learning both to branches and to the public
- Priority of inspection according to most hazardous workplaces,
- Gives a push to documentation by extended cooperation with occupational accident and disease statistics, researchers and epidemiologists.
- Integration of the social partners can mean a more dynamic approach, with a more sharing responsibility.
- Supports workplace-assessment in the enterprises.

### **Branch-related approaches**

- Covers all risks, are comprehensive
- Includes branches, which are less frequently inspected by the labour inspection  
ex. the services branch which are low in accidents and toxics but with hazards of an ergonomic and psycho-social character.
- Wide approach which can provide advice and support to the branch organisations (the employers and the trade unions) and the enterprises.
- Integration of the social partners can mean a more dynamic approach, with a more sharing responsibility.
- Supports workplace-assessment in the enterprises.

### **Auto-campaign in Denmark**

The Labour Inspection has produced an extensive documentation on the occupational risks in all 20 branches. In 1996 an auto-campaign will inform all 15.000 auto-repair shops in the branch on risk-assessment. 5 main areas of risk have been chosen as the most well-documented: Working postures, noise and vibrations, hazardous materials, accidents and young peoples work. It is a help to self-help campaign and after 4 months the labour inspection will control the establishments. All will get written documentation of these risks and how they can be prevented by practical methods.

The social partners, the employers and the metalworkers union, has joined in the planning process with the labour inspection. This campaign is planned as an intensification of prevention in a branch, which is dominated by SME's and a low level of safety and health behaviour. The auto-branch has for several years been obliged to enlist an external OHS, and the prevention objectives are:

- To ensure that all auto-repair shops are complying with existing legislation.
- To ensure that the branch is working in agreement with the governments visions on a cleaner work environment year 2005.
- To support preventive action internally and externally through OHS and the social partners.
- To support the development of a healthier work environment and cleaner technology.
- To get in contact with new and non-inspected workplaces.

One of the first goals of the campaign are that all auto-repair shops shall have a written risk-assessment(called workplace-assessment in Denmark). In the start of the campaign written material giving advice and guidance on risk-assessment will be distributed. Furthermore all technical schools will be drawn into the campaign to make it a part of the educational programs for young people. The employer's positive attitude to the campaign can possibly be related to the fact, that the campaign will cover all employers.

### **Inspection of SME's in Sweden**

To stimulate risk-assessment in SME's the Swedish labour Inspection has developed their methods. The concept of internal control was introduced mainly due to the fact that there was a lack of systematic work concerning safety and health. It was meant as a quality system with the purpose of achieving a satisfactory working environment. But also because of an enormous increase in musculo-skeletal occupational disorders.

In SME's the most useful method is still inspection, but the method has been developed. In SME's internal control is related to five steps:

- Access to the safety and health legislation and relevant regulations.
- Knowledge of actual risks and legislation.
- Routines for continuous risk assessment.
- Routines for investigations of work accidents.
- Action plan for planned measures.

In order to activate the SME's they are send information material before inspections. They describe the purpose of internal control and the minimum level as well. Information meetings can also be held. As an example 400 companies in the trade sector was appoa-ched. The method used was:

- An inquiry was sent out to about 400 companies. The inquiry consisted of ten questions about internal control and common deficiencies in the branch.
- On the basis of the answers 200 companies were chosen for inspections.
- 200 inspections were carried out with prefabricated inspection notices in order to minimize the administration. At the same time an invitation to an information meeting was distributed.
- An information meeting with a content related to the result of the campaign will be held.

### **Recommendations**

- A combination of branch-and risk-oriented inspection is best suited to the problems of reaching the SME`s.
- The branch orientation seems to be the best method to reach all establishments in a sector.
- Methods of inspection must be developed which covers all establishments in a branch or sector without all establishments being inspected.
- Cooperation with other safety and health agencies and authorities in campaigns can be an effective method that supports the goals of the labour inspection
- At least 50 % of the planned inspection work must be proactive to reach the SME`s.
- The balance between reactive and proactive inspection must be upheld to maintain high quality in both areas of inspection.

### **B. What do we know about the actual health and safety problems in the SME`s ? Surveillance of occupational health in the SME`s.**

What kind of advice, guidance and training does the SME`s need? To plan the work of the labour inspection and make it more effective, the inspection needs to have an objective assessment of the actual occupational hazards in the different branches.

An important source on information about occupational health in the SME`s is the reporting systems on accidents and diseases. Does the national labour inspection have any reliable information on the situation in the SME`s? With the development of better reporting-systems, the situation can be changed. The focus has changed to a broader safety concept covering all kinds of work environment hazards, particularly occupational diseases. To tune the labour inspection to the level of actual understanding of health issues, the reporting system is of central importance.

Due to the multicausal and multifactorial background of occupational diseases, the labour inspection has often problems investigating the causes of these diseases. Assessment of physical hazard and accident investigations has been the traditional domain of the labour and factory Inspectorate. The diseases have traditionally been the concern of the national compensation and health authorities, creating a split in the overall preventive efforts.

The Framework directive article 9 mentions only the duty for employers to keep lists of occupational accidents being unfit for work for more than three working days. Here is no mention of occupational diseases. The ILO Convention on Labour Inspection from 1947 says that "the labour inspection will be notified of industrial accidents and occupational disease in the manner prescribed by national laws and regulations".

Problems of main interest are:

- Does the labour inspection have an adequate registration of accidents and diseases that reflect the real occupational hazards of the workplaces, nationally and in the branches?
- Who are legally obliged to inform the authorities about accidents and diseases?

### **Occupational diseases**

The EU commission has carried out work in the area of occupational accident statistics and have also supported similar action in the field of occupational diseases. In 1990 the Commission updated its european schedule on occupational diseases. But a schedule that does not cover work-related diseases like stress and low-back pain.

The EU has supported a survey of the area and research on the different reporting systems in the member states(71). This survey has also proposed a model for a standar-dised union-wide statistics aimed at prevention, target-oriented health and safety-campaigns, policy-making etc. And presents desirable effects like:

- Ensuring more equality with respect to duties and rights for all residents of the Union and to ensure fair commercial competition between different areas of the Union.
- Prevention of emergence of occupational diseases should be of great interest to individual member states, not just from a moral point of view, but also from an economic view.
- Having too many people receiving hospital treatment, sickness benefit, etc. who do not contribute to the national product, is a costly affair for any society.
- Absence from work due to illness and the subsequent cost of replacement impose a severe burden on the enterprises.

Advantages in surveillance of small sectors with many SME`s can come from a harmoni-sed statistics. Individual countries can benefit from cross-border statistics. In Denmark the chemical industry is small and Denmark can use statistics from other countries which can highlight potential risks in Denmark. On the other hand even Denmark can contribute useful data on diseases in selective sectors, e.g. the meat industry, where a strong tradition for reporting has developed.

The study also mentions, that data on certain types of diseases reported from one member state can be used by others to evaluate their own potential risk areas. As an example can be mentioned the high occurence of neck and shoulder diseases in textile workers with repetitive

monotonous work. This has contributed to a change in attitudes to work organisation in the enterprises.

Through better monitoring the labour inspection can issue warnings of major risks or document if there is a change in risks. The reporting of occupational diseases has traditionally been connected to the claim of some sort of compensation. But having a single reporting system with a higher degree of reporting can have important benefits for everybody. The employer has an interest in sound working conditions because this is associated with a low level of absenteeism and turnover of staff. But often the employer can't generalise from one or a few examples of disease. With statistics based on medical assessment and recognition, the employer might be more willing to accept the need for improvements in the plant. A knowledge which can contribute to a more favorable attitude to labour prevention. This is especially relevant regarding the SME's.

But statistics is often missing the most important parameters to be of use in the prevention effort of the labour inspection. Parameters must include concrete information on the work process and the plant, where the harmful exposure happened. In the EU countries there is an effort to build a Union-wide statistics based on the same criteria. It must be recommended to support this and join test-projects in this important area in labour prevention.

In Denmark all medical practitioners and dentists are obliged to report all occupational diseases to the labour inspection and the compensation board. Not only diseases patients have developed, but also those that the medical practitioner suspects might be connected with a person's occupation and work. This means, diseases not on the official lists of normally compensated diseases, shall also be reported. Regarding the time period, all accidents accompanied with sick-leave from the following day shall be reported by the employer.

### **Number of reported diseases:**

There are wide differences in the degree of reporting in the EU member states. Great Britain is in the absolutely low end with only 300 cases reported to the labour inspection and with 33.000 reported to the social security system. In Italy 60.000 is reported, Denmark 15.000, France 10.000 and the Netherlands 700 cases. The differences is to a high degree a reflection of the definition of occupational diseases: Is it viewed from an insurance perspective or from the point of view of prevention? Some countries have less rigid systems for recognizing the diseases.

### **Examples on legislation from the EU countries**

#### **The Netherlands**

- Incidents which have caused severe material damage and whereby at the same time a risk to the safety or health of employees existed, shall be notified to the labour inspection.
- Occupational diseases and health risks, that are either demonstrated or reasonably suspected, shall be notified to the labor inspection.

#### **Great Britain**

- The Reporting of Injuries, Diseases & Dangerous Occurrences Regulations 1995 says that reporting shall find place in case of:
- Death or major injury. Notifying the labour inspection without delay. Within ten days a accident report shall be made. This includes employees, self-employees and if members of the public are killed or are taken to hospital.
- Over three-day-injury. Accident report within ten days.
- Disease. If a doctor notifies an employer that a worker suffers from a reportable work-related disease, the employer must send a disease report to the labour inspection.
- Dangerous occurrences. Near to injury occurrences must be reported immediately. A list on reportable dangerous occurrences are provided.

## **Sweden**

- If an accident or other harmful influence at work has caused death or severe injury or affected several employees simultaneously, the employer shall notify the labour inspectorate without delay. The same shall apply in the event of incidents seriously endangering life or health.
- A doctor shall notify the labour inspectorate of diseases which may be connected with employment and are material to the working environment, and shall also inform and assist the authorities.

## **Denmark**

- All accidents causing more than one day sick-leave shall be notified to the labour inspection.
- A doctor or dentist shall notify the labour inspectorate of diseases which may be either suspected or thought to be connected with employment and are material to the working environment

## **Occupational-medicine clinics.**

The access to educated epidemiologists in occupational medicine is of central importance. In countries without compulsory multidisciplinary services the reporting of occupational diseases is generally low. The knowledge on occupational diseases is often weak among physicians not specialized or educated in occupational medicine. The existence of occupational-medicine clinics at regional level seems to be an improvement in the overall surveillance and registration of occupational diseases.

In Denmark these clinics exist in all 14 counties and the clinics cooperate closely with the labour inspection districts on the prevention of occupational diseases. This is done through a combined effort of medical investigations, research and education. In Denmark the clinics also employs psychologists qualified in investigating brain-damage, stress and other psychological reactions to occupational hazards. It is a system oriented towards primary prevention and all partners having an interest in safety and health can recommend a person to come to the clinic. It is part of the public hospital system.

**Recommendations:**

- The education of epidemiologists in occupational medicine should be supported.
- The access to this service can be strengthened through occupational-medicine clinics at regional level open to all citizens having health problems related to their occupation.

**Accidents and occurrences:**

- Accident or other harmful influence at work that has caused death or severe injury or affected several employees simultaneously, shall be notified to the labour inspectorate without delay. The same shall apply in the event of incidents seriously endangering life or health.
- All accidents causing more than one day sick-leave shall be notified to the labour inspection. A short period produces better statistics and is better suited to a socio-economic situation with an high unemployment rate.
- Dangerous occurrences. Near to injury occurrences must be reported immediately. A list on reportable dangerous occurrences must be provided.

**Diseases:**

- Doctors and dentists shall be obliged to report all cases of occupational diseases, not only the list-diseases.
- Any suspicion that there is a link between symptoms and the working environment shall be enough to justify a notification.
- As an incentive to motivate all doctors to report both listed and suspected diseases, a government paid fee can be recommended.
- The reporting system shall be a single system with close connection between the labour inspection and the insurance bodies. This is also more pedagogical for all partners.
- To support national statistics a single report form is recommended.
- Reporting parameters must include information like occupation, work process, size of plant and regional location of plant to be of use for identification.
- The national institutions registering occupational accidents and diseases must be brought under the same roof to strengthen the overall labour prevention.
- Better statistics can support prevention, target-oriented health and safety-campaigns, policy-making etc.



- Join projects to build international and European statistics to support the national labour prevention, especially to support the surveillance of the occupational hazards in the SME's.

### **C. Initiatives in EU countries regarding stress-prevention and psychosocial factors in SME's.**

The European Framework Directive contains no specific reference to stress and well-being at work, but in Article 6 a certain amount of attention is given to these aspects. The employer shall consider some general principles of prevention:

- Develop a coherent overall prevention policy which covers technology, organisation of work, working conditions and social relationships.
- Alleviation of monotonous work and work at a predetermined work-rate.

The obligation to make risk assessments of the health and safety risks must also include the psychosocial factors. Thus the control, supervision and advice of the labour inspectorates must include these factors. That stress is a main problem in health and safety is getting more and more concern. But it is not adequately reflected in priorities of the labour inspection programmes. But a change has come, and in several countries the labour inspectorates are trying to meet this challenge.

To give an impression of the problem:

In Great Britain "The Industrial Society" has made a survey of 700 human resource and personnel directors, and found that 46 per cent of respondents believed that stress was costly to their organisation and over half (53 per cent) said stress levels had increased in the last three years. But the finding also said, that most companies were failing to combat workplace stress, and that firms are doing dangerously little to tackle the problem.(72)

The potential corporate benefits of stress prevention can be described to lie in four main areas(73)

- Productivity Improvements.
- Reduced employee health and insurance costs.
- Reduced human resource development costs
- Organizational image.

Stress has financial consequences for companies and organisations, both in the short and the long term. Some can be measured by quantitative methods: Personnel costs, while other requires qualitative measurement: The organizations capacity or health. That means also jobsatisfaction, creativity and motivation.

For an overview of stress intervention strategies, both primary, secondary and tertiary prevention are important. Of primary interest for worker protection and safety management is primary prevention. That is action to modify or eliminate sources of stress inherent in the work environment to reduce their negative impact on the individual. Secondary prevention is

concerned with increasing the awareness and stress management skills of the individual through training and educative activities. Both strategies of prevention must be contained in the information and advising efforts of competent labour inspections and external services. If stress represents an occupational risk to health, it therefore falls under the general obligations of the employer.

A Dublin Study(73) mentions the problems for the labour inspectorates:

"The assessment of psychosocial factors relating to health is substantially different from assessing physical hazard in the working environment, which has been the traditional domain of the labour and factory Inspectorate and those responsible for health and safety within an organization. Concerns have been expressed as to the shortage of sufficiently trained personnel and the adequate provision of training in many countries to undertake the traditional tasks of occupational health and safety. Not surprisingly, there is likely to be an even greater skills and training deficiency in the area of psychosocial factors pertaining to health.

Therefore, in order to provide appropriate guidance and increase organizational awareness of these factors, investment is needed to provide comprehensive, professional and universal training for existing labour inspectors. Alternatively, there should be a move towards more interdisciplinary teams which include an expert trained in this field. This training should also be extended to managers and employee representatives within companies. By introducing regular risk assessments in this area, this would help organizations understand and monitor factors which may negatively affect employee health and psychological well-being. Health and safety authorities in individual member states have a major role to play in either conducting risk assessments themselves or providing appropriate advice and support to organizations to enable them to perform their own assessment."

A presentation of different inspection policies in EU countries on this question was made by Licher(74) in 1995.

## **Examples from the EU countries**

### **Great Britain**

The labour inspection(HSE) has produced a leaflet: Stress at Work-A Guide for Employers. Ill-health resulting from stress caused at work has to be treated as other physical causes present in the workplace. This means employers shall have stress in mind when making risk-assessments. No specific legislation exists.

In the leaflet the following factors are mentioned as signs which may point to a stress problem in the organization:

- Staff attitude and behaviour
- Work performance
- Relationships at work
- Sickness absence.
- Action on stress can be very cost-effective, it is said.

### **The Netherlands**

In 1994 experiments concerning inspections on psychological stress have been started in four sectors: The banking and insurance sector, the health care sector, schools and the social service sector.

The inspection is about the SHM systems and the following questions are central:

- Are aspects of psychological stress considered in the risk assessment and action plan?
- Are aspects of psychological stress taken into account when information and instruction is provided to employees about work related tasks?
- Are managers adequately equipped to identify and prevent stress risks at work and to support employees in learning how to deal with them?
- Are personal characteristics of employees considered in the allocation and composition of tasks?
- Are aspects of psychological stress considered when designing production processes and work organization?

If no reliable information about this is available in the SHM system, the labour inspection should provide the workplace with insight on these problems. If there are clear work-related risks the labour inspection can make an enforcement notice to the employer.

In the Netherlands the concept of psychological stress is restricted to the following seven themes:

- Job content.
- Autonomy.
- Contact and communication.
- Information on objectives and results of work.
- Workload.
- Interfering working conditions.
- Adjustment of work to personal characteristics.

## **Sweden**

Since in 1980 The Swedish Board of Occupational Safety and Health issued General Recommendations about Psychological Aspects of the Working Environment, a lot of education for labour inspectors and other health and safety specialists has taken place.

According to the Swedish Work Environment Act psychological and social conditions have to be taken into account in all working situations. This question has been included in several general recommendations and ordinances:

- Solitary work.
- Informations to immigrants about the working environment.
- Computer aids at work.
- Care and assistance in private homes.
- Minors(young persons) at work
- Violence and menaces in the working environment.
- Victimization at work.

Regarding victimization Sweden is the first country in the world to introduce binding general rules on the subject of victimization.

If the inspector sees signs of harmful psychological work environment, improvements can be stipulated. Notice of measures taken and planned within a certain length of time can be requested from the employer. If no acceptable measures have been presented by the end of that time, the labour inspectorate can order the employer, under pain of fine, to make the improvements. Or it can prohibit a certain activity, conditionally or otherwise.

## **Finland**

The labour inspection has produced information material, some of this material are "best sellers" for the whole Ministry of Labour.

- Guidelines for labour inspectors exists on psychosocial factors and experimental projects have been carried out.

## **Denmark**

In Denmark research has shown that the psycho-social factors are a central theme in the workers perception of problems in the work environment. The danish government has supported a 10 year plan with several initiatives to prevent occupational hazards. One of the 8 visions of the plan is a better psycho-social work environment. Projects and research are being supported with help from the labour inspection and the ministry of labour.

The labour inspection has in more than 10 years employed psychologists as inspectors working in the districts. If sufficient documentation can be obtained, the labour inspection regulates this area with enforcement as other areas. Lately there has been made an agree-ment with the social partners. It says in case the social partners are able and prepared to work out a solution themselves, the labour inspection shall give the company due time to work this out. Complaints about interpersonal conflicts is not considered a problem for the labour inspection, but must be solved by the social partners. Psycho-social factors connec-ted to the worksituation are considered as relevant inspection targets.

Information materials on stress, psychological fatigue, monotony, repetitive strain jobs, violence at work and psychological first-aid are published by the labour inspection. The central labour inspection has a new department on psycho-social issues.

## **Recommendations**

- There is generally a low participation of SME`s in stress prevention and health promotion activities. This must be a source of serious concern, as the SME`s form the major pro-portion of enterprises. Studies point to several solutions:
- Provision of more government/community funded training opportunities and easier and more open access to information and courses specifically targeted at SME`s.
- SME`s can share the costs of preventive services, like the practice in The Netherlands.

Here all employees have access to a panel of professionals who can provide occupational health services, including stress prevention. The costs of these services are paid by the companies and organisations based on the size of their workforce.

- The OHS and the labour inspection must employ professionals educated in psychology and ergonomics to develop a better service to the SME's.
- Check-lists on psycho-social factors of general importance for health and well-being can be useful in helping organizations to understand how to deal with the issue.

#### **D. The protection of young people working in SME's.**

Young people must be offered additional protection, and all European countries have special laws safeguarding the health and safety of children. Most young people and children are employed in SME's and employers must take particular account of young workers lack of experience, absence of awareness of existing or potential risks or their immaturity, when they access the risks to health and safety of employees under 18.

In the EU countries the Directive on the Protection of Young people (94/33/EC) has generated public discussions on this question. Furthermore the inhuman conditions of child workers (under 15 years) in the global economy has raised this issue to an inter-national discussion (75). The EU Directive is here taking account of the principles of the ILO regarding the protection of young people at work.

In the purpose it is underlined that member states shall ensure: "that young people are protected against economic exploitation and against any work likely to harm their safety, health or physical, mental, moral or social development or to jeopardize their education".

The labour inspection has from its early start played an important and responsible role as a guardian of young workers and children. And this theme is still an actual issue in the highly industrialized countries (75). To raise health and safety as a public issue can be difficult because of the difference in risks and trades, but problems of young people are of a more general nature.

Campaigning on the protection of the young people can be an important method for the labour inspection and the government to reach out to the general public, parents, employers and workers. That means, to raise the youth issue can be an important way of communicating the health and safety message to the broad group of SME's. The use of the media is here of central importance.

The last date for implementation of the EU Directive on the protection of young people was to be the 22. june 1996. This area is mostly regulated through descriptions of particular types of activity prohibited or restricted.

In Denmark the implementation has meant a total revision of the law regulation and today the regulation is presented in a more consistent and coherent way than before.

As an example can be mentioned the legislation in the Netherlands:

-The Dutch health and safety act is explicit with respect to the information that has to be provided to youth(16 and 17 year old workers)(Article 7 and 8). Vacation work is excluded from these rules. Employers are obliged to:

- Involve the young worker in a way that is positive for his personal development and beneficial for his education. They must receive proper information and instruction, covering at least the following topics:
- Overview of work and company and how it is organised.
- Working conditions and behavioral rules.
- Tasks and demands of the job.
- Opportunities for training and assistance.
- Promotion opportunities and demands.
- Jobperformance judgment systems.
- Conditions of employment(pay, workinghours, breaks, holiday)
- Medical examination.
- Works council(consultation of worker representatives)

In order to perform these tasks a counsellor or "mentor" must be appointed by the employer. The mentor also has to contribute to relations with school. The mentor is protected against dismissal.

- Worker representatives and committee members on health and safety have a right of training or schooling for this job for at least five days a year(Works council act).
- In order to prevent financial burdens for especially the SME's, there is a fund to finance these courses. All companies pay a premium for this fund.

The new development in European legislation is more consideration of the effect of childrens lengthy work-hours and influence on childrens education. The directive has introduced time-limits and with ideas of counseling a more responsible attitude can be developed to the benefit of the children and young people.

### **Recommendations:**

- The youth issue can be an important way of communicating the health and safety message to the broad group of SME's, as most young people are employed in the SME's.
- Campaigning on the protection of the young people can be an important method for the labour inspection and the government to reach out to the general public, parents, employers and workers.
- Counseling of young people on safety and health problems is a strong method in labour prevention. This can be done through education in public,technical and higher schools.
- The regulations concerning the occupational hazards for young people and children must be clear and precise and related to their educational needs.

## **E. Use of media to reach the SME`s with advice and information.**

To communicate the importance of health and safety as important concerns of the society, modern media must be used. The labour inspection can only visit a limited number of enterprises, but planned use of the media can be a bridge to a much broader public. Most state administrative organizations has by tradition been working in a closed and secretive manner. They are often heavily supervised and controlled by superiors nervous to raise issues that can be politically sensible. In several countries this has changed radically with the goal of using the medias to give a proper picture of how the inspectorate operates, how it can be used and to propagate information. The inspectors have the concrete knowledge of the actual health and safety problems, and the inspectors must be free to speak to the media on questions concerning their work. The isolation of the inspection from the public is contradictory to the goals of making safety and health a public issue.

In e.g. The Netherlands and in Denmark advice and information is increasingly becoming part of inspection projects, in that the findings of these projects are used for communication via the media. Sometimes there are advance announcements of inspections in certain sectors or on particular issues, which is a way of trying to ensure the effect of the inspections penetrates through to firms that are not inspected. Some districts, aided by journalists, puts out its own publication to publicise the inspection results. Campaigns are used on a national scale, complete with posters, leaflets, TV spots, phone-ins etc.

Planning of branch- or risk oriented campaigns can be supported by using professional media assistance. The success of campaigns must be evaluated to investigate the degree of self-activity promoted by the combined methods used in campaigns:

- Written information to the employers to stimulate the change of attitudes.
- Inspections controlling the degree of compliance with the written information.
- Enforcements and sanctions.
- Successive evaluations to measure the degree of compliance.

In the Netherlands the labour inspectorate`s public relations activities are designed to give employers, employees, politicians, and those in professional organizations a proper picture of how the inspectorate operates and how it sees its job(76).

To neglect these possibilities of using the media to reach audiences relevant to the preventive goals of the labour inspection will be a serious mistake.

### **Recommendations:**

- The labour inspection must develop a professional attitude to the use of medias to propagate the goals and results of labour inspection. The use of medias can stimulate the primary prevention of occupational hazards and open new ways to reach the multitude of SME`s.
- The use of media must be a combined part of all systematic inspection efforts.
- Inspectors shall be free to speak to the media concerning their work. This is a precondition to open the doors to the public and be able to explain the important mission of the labour

inspection beneficial to society and human values. Especially in the area of serious occupational accidents, there is open potentialities to reach a wider public with "lessons of learning".

## **8. RISK GROUPS**

In safety and health legislation, the mention of risk groups is normal. In The Framework Directive, it is said: "Particularly sensitive risk groups must be protected against the dangers which specifically affect them"(Article 15). And it is a general obligation of an employer "where entrusting tasks to a worker, take into consideration the worker`s capabilities as regards health and safety"(Article 6, 3b). These risk groups also work in the SME`s and this should be given serious attention.

In the EU there has been measures to make directives to improve the health and safety of the following risk groups:

- Pregnant women and women who have recently given birth.
- Children and young people at work.
- Temporary workers.

The ILO Recommendation no. 64 says that "particular care should be taken to protect the situation of the most vulnerable workers, for example the handicapped" and in no. 162 the protection of the older workers is mentioned. In some countries the labour inspection has developed or are planning to develop information materials to risk groups like

- Pregnant workers(mentioned in the Framework Directive)
- Ill workers and rehabilitation(Sweden and the Netherlands)
- Older workers.
- Men in the fertile age(Denmark).
- Immigrants and foreign-speaking workers(Sweden and Denmark)

### **Recommendations:**

- The question of risk-groups is not technical-specific and can be used as a general approach to reach the SME`s and the public.
- The labour inspection must organize campaigns for vulnerable risk groups. They reach out for the SME`s across the branches and can effectively support the overall societal influence of the labour inspection.

## **9. EUROPEAN NETWORKS.**

Exchange of ideas and personal contacts across borders in Europe can be fruitful for all partners. Besides the official labour inspectorate authorities, there exist ngo`s and research institutions working in the field of health and safety. At the same time the learning of foreign language can foster more cooperation and exchange of good safety and health solutions across borders. With the development of electronic databases and networks on european and



international level, the use of english will be of greater importance. In the global economy of today risks to health and safety knows no borders.

### **Recommendations:**

- All inspectors shall have access to english-courses.
- Exchange programs in Europe for labour inspectors shall be supported.
- Cooperation between the national research institutes in working environment shall be supported.
- Cooperation with the European Safety and Health Agencies in Dublin and Bilbao must be a priority.

## **10. CASE ON INTEGRATION OF INSPECTION SYSTEMS.**

During the contractors visit to Poland, the contractor had opportunity to visit not only the labour inspection(Pánstwowa Inspekcja Pracy-PIP) but also the state sanitary inspection (Stajca Sanitarno-Epidemiologiczna-SSE). This case is a short presentation of impressions seen from a foreign labour inspector`s perspective.

It is a common understanding in both Poland and EU countries, that the labour inspection has a central and decisive role to make SME`s comply with existing laws on health and safety. In this case the question of cooperation between these two different inspection systems is considered.

### **Two systems of inspection**

Existing Polish labour code mentions two systems of inspection. As examples can be mentioned:

- Article 209, where an employer has duties to inform both inspectorates on commencement of activity and the type of activity.
- Article 235, where an employer shall report each case of occupational disease or suspicion of such disease to both inspectorates.Accidents shall only be notified to the labour inspection.
- Article 236, where an employer shall be obliged to conduct systematic analyses of the reasons for accidents and diseases.

Thus involving two inspection systems in the control of the safety and health in SME`s.

### **Inspection visit**

A small enterprise was visited(30 employees). SSE had inspected the factory and made measurements on chemical hazards.The inspection report of SSE was positive in its evaluation of level of chemical hazards and ventilation. The labour inspection remarked that this report was lacking any information and measurement of the use of organic solvents.

Furthermore ventilation was existing, but not adapted to the working posts. The employer was confronted with two inspection authorities. Which authority has the last word? What are the qualifications to evaluate professionally each others work? What is the impression of the employer?

Some problems related to this organizational system:

- The employer and employees can be embarrassed if the different systems of inspection make different or contradictory enforcements and advice. This is not service-oriented and possibly a more economically costly approach.
- Labour prevention can benefit if employers only have to report to one authority. If not, employers might see labour protection as a bureaucratic system.
- Both systems of inspection have obligations to make enforcements in relation to the workers occupational health. They lack professional resources to be able to evaluate each others reports and enforcements. PIP lacks doctors in occupational epidemiology and SSE lacks technical expertise to evaluate ventilation systems.
- As part of different ministries it is difficult to allocate equal economical, technical and organizational resources to two separate systems of inspection. This can be a problem in the planning and organization of joint regional or national campaigns on labour prevention.
- Different policies in inspection methods can produce different risk-assessments. If inspections are announced it can give a different risk-evaluation of a company compared to not-announced inspections.
- Two different systems of labour inspection produces problems with coordination and pedagogy. Which inspection authority has the last word?

### **Visit to SSE.**

The Warszawa SSE has an occupational hygiene department with laboratories. In the Warszawa wojewodzka there are 12 territorial stations doing inspections in cases of occupational diseases. Furthermore they are responsible for measurements and medical examinations. The stations uses the central laboratories. It is the only governmental laboratory and works together with PIP regarding prevention of occupational diseases. A new development is 20 private laboratories, where SSE is involved in authorization. SSE is supervised by the National Institute of Occupational Hygiene in Lodz.

Occupational diseases should be reported to the sanitary stations by authorized health units specialized in occupational medicine. Each wojewodzka has such a center of occupational medicine and only such reports are valid. General practitioners and workers can only report suspicions of occupational diseases. Such suspicions should be verified by this center that makes individual statements, clinical diagnosis and epidemiological investigations. They can make

- Individual statements
- Clinical diagnosis.

- Epidemiological investigations.
- And check the working site, using laboratory methods and make hearings of employers and employees.

An official statement can be made and claims must be forwarded to the SSE. The SSE can consider the claim and involve other medical institutions, but can also withdraw the claim. There can be taken administrative steps and the case brought to court. About 10 % are taken to court. In 1995 about 300 reports on occupational disease was diagnosed by the occupational medical center in Warszawa wojewodzka. About 200 was confirmed. Suspected cases of occupational diseases are filed at the territorial stations. There is no statistical records on these suspected cases. Musculo-skeletal diseases is not recorded, as they are following the list of diseases decided by the Ministry of Health.

#### **Recommendations made by labour inspectors:**

- Where there are harmful substances they should make joint inspections with SSE. This is very seldom.
- PIP regional districts needs health professionals
- PIP lacks the possibility of making measurements.

#### **Recommendations made by SSE:**

- They lack technical knowledge ex. on ventilation and engineering.

#### **Common recommendations:**

It could be observed that there was some consensus on the need for integration of the inspection systems of PIP and SSE.

#### **Conclusion**

If the two separate inspection systems are integrated, the Polish Labour inspection can be more effective in areas like:

- Evaluating all risks to workers' health and safety in SME's.
- Controlling employers compliance with laws and regulations in SME's.

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## **ANNEX 1. Method: Questionnaire**

As part of the research a questionnaire was used to obtain relevant information from the National Occupational Safety and Health authorities of the EU member states. The follo-wing answers was raised: Has your country introduced further legislation or other measures on employers` general obligations in addition to the Council Directive 89/381/EEC( the Framework Directive)

1. On employers` general obligations:

- a. Preventive measures against occupational risks(Art.6)
- b. Evaluation of risk and risk assessment(Art.9)
- 2. On protective and preventive services(Art. 7):
  - a. The duty to appoint one or more workers to carry out activities related to the protection and prevention of occupational risk(safety representatives)
  - b. Duty to enlist external services, such as Multi-disciplinary Services?
  - c. Safety representatives in SME`s
- 3. On first aid, fire fighting and evacuation of workers, serious and imminent dangers(Art. 8):
- 4. On registration of occupational accidents(Art. 9):
- 5. On worker information(Art. 10):
  - a. Regulations on employers`duty to inform workers and/or workers representatives?
  - b. Workers`and/or workers`representatives access to relevant information regarding health and safety at work?
- 6. On consultation and participation of workers(Art.11):
- 7. On training of workers(Art.12):
- 8. Has your country taken any special initiatives in relation to SME`s(e.g. legislation, non-legislative measures, information campaigns....)?
- 9. Has your country taken any special initiatives (e.g. legislation, guidelines, information material....) in relation to psychosocial factors for labour inspectors or other health and safety specialists at workplace level or at national level?